

TIER RANKINGS IN THE FIGHT AGAINST HUMAN TRAFFICKING

HEARING

BEFORE THE

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

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THURSDAY, APRIL 18, 2013

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 1:12 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order.

Good afternoon and welcome to this afternoon's hearing on the role of tier rankings in the fight against human trafficking. Many of you joining us this afternoon have been in this fight from the very beginning. From the year 2000, when my Trafficking Victims Protection Act of 2000 created not only the Office to Monitor and Combat Trafficking in Persons at the Department of State, but also the annual TIP Report. At the time, I don't think anyone could have predicted that this report and the work of the trafficking office would become the international gold standard and the primary means of anti-trafficking accountability around the world. From the halls of Parliaments to police stations in remote corners of the world, this report is being used to focus anti-trafficking work in 186 countries on the key areas of prevention, prosecution, and protection.

The fact that it has been so successful is a credit to the hard and careful work of the Office to Monitor and Combat Trafficking in Persons. Each year this office evaluates whether the government of a country is fully complying the minimum standards for the elimination of human trafficking or, if not, whether the government is making significant efforts to do so. The record is laid bare for the world to see and summarized in a tier ranking. Tier I countries fully meet the minimum standards; Tier II countries do not meet the minimum standards, but are making significant efforts to do so; Tier III countries do not meet the standards and are not making significant efforts to do so. Along with the embarrassment of being listed on Tier III, Tier III countries are open to sanction by the United States Government.

Since the TIP Report's inception, more than 100 countries have enacted anti-trafficking laws, and many countries have taken other steps to required to significantly raise their tier rankings, citing the TIP Report as a key factor in their increased anti-trafficking

response. In the 2003 Trafficking in Persons Reauthorization Act, I and my colleagues in Congress created the Tier II Watch List. This list was intended to encourage anti-trafficking progress in a country that took positive anti-trafficking steps late in the evaluation year, especially those countries that took last minute measures to avoid a Tier III designation. We wanted to reward good faith efforts and to encourage them to continue.

However, some countries made a habit of last minute efforts and failed to follow through year after year, gaming the system. Consequently, in 2008, Congress created an automatic downgrade for any country that had been on the Tier II Watch List for 2 years, but had not made enough significant effort to go to Tier II. The President can waive a Tier III downgrade for an additional 2 years if there is credible evidence that a country has a written and sufficiently resourced plan to meet the minimum standards.

The automatic downgrade would protect the integrity of the tier system and ensure it worked properly to ensure real progress in the fight against human trafficking. It has now been 4 years since the 2-year limit or 4 years with a waiver limit was instituted. China, Russia, Uzbekistan, the Republic of Congo, Iraq, and Azerbaijan have now had at least 4 full years of warning that they would face a downgrade to Tier III if they did not make significant efforts to prosecute traffickers, protect victims, and prevent trafficking. Now their time on the Tier II Watch List is up.

In this hearing today, and it is the first of a series, we will take a close look at the records of these countries in 2012. If these countries have once again failed to make significant efforts to meet the minimum standards, the State Department must downgrade them or risk undermining the credibility and demonstrated power of the TIP Report. I am particularly concerned about the Government of China's record. The Government of China has been on Tier II Watch List for 8 consecutive years, in large part because its plan to fight human trafficking is inadequate, unevenly implemented, and the Government of China has not been making significant efforts to comply with minimum standards. Law enforcement in China is still not trained to identify or respond properly to sex or labor trafficking victims. I have heard reports that local police are often unwilling to help parents find missing children who may have been enslaved in a local brick kiln, and that officials have been known to profit from brick kilns that exploit children.

As we will hear from a brave trafficking survivor today, the Government of China continues to forcibly repatriate North Korean trafficking victims who face severe punishment, including execution, upon their return to North Korea. I would note parenthetically that we have had several hearings in this subcommittee, and I have chaired them, where we have had victims tell that story. We met with the High Commissioner for the UNHCR on the issue of sending them back, which obviously violates the Refugee Convention, and we have had no progress, none whatsoever, in that area.

Moreover, the Government of China's continued one-child-per-couple policy has absolutely decimated China's female population. As a matter of fact, I mentioned yesterday when Secretary Kerry was here that there is a book by Mara Hvistendahl in which she points out that because of sex selection abortion and the gendercide

that has occurred in Asia, there are 160 million missing women and girls. That is across all of Asia; of course, India and China being the two leading. Not only is it a crime of gender and a crime against humanity, because it is selecting-out those children because they are girls, it also has become a huge magnet for human trafficking.

Tens of millions of girls, as I said, are missing from the population of China alone, making China a magnet for sex and bride trafficking, as men reach marrying age but cannot find a mate. One estimate puts it at 37 million to as much as 50 million men who cannot find brides right now. And that will not change because the demographic nightmare has been in the process of being made since the one-child-per-couple policy of 1979.

The Government of China is not only failing to address its own trafficking problems, but is creating an incentive for human trafficking problems in the whole region. The Government of Uzbekistan's record is also of great concern, as the government itself continues to force hundreds of thousands of school-aged children and adults to work in fields during the cotton harvest each year. The Government of the Republic of Congo, despite making some progress in 2010 with the passage of a law that would prevent child trafficking, has failed in the last 2 years to convict a single person under the law, despite the pervasive child trafficking in their country.

The Government of Russia has had 9 years of warning, 9 years without significant change. They, too, should be downgraded. I would note parenthetically that I wanted to go to Russia just a couple of months ago and was told I couldn't get a visa—denied a visa. During the worst days of the Soviet Union, when I was going along with Frank Wolf and others into gulags, we got visas. Couldn't get a visa just during the Lincoln Day, Presidents' Day break. Denied a visa. I am going to apply again. One of the top issues we were going to discuss was human trafficking.

The Government of Russia does not have in place a formal procedure for identification and referral of trafficking victims by law enforcement, labor inspectors, and other government officials. The Government of Russia still has not established a government body to organize government anti-trafficking activities, nor does it adequately fund shelters or services for victims. Russia's citizens are trafficked from Russia to countries all over the globe, as well as within Russia, and many are now coming in, particularly labor trafficking, to Russia. And the government does not have a national trafficking education or prevention plan.

The Government of Azerbaijan continues to use administrative fines for traffickers, allowing traffickers to write off the crime of trafficking as a simple business expense that is less expensive than hiring their workers.

The Government of Iraq has been on the Watch List since the TIP Report first began to hold them accountable in 2009. Like trafficking victims elsewhere in the world, the victims in Iraq need protection. Those who are vulnerable to trafficking need prevention measures, and traffickers need to be brought to justice. We will also be focusing on Vietnam.

But the importance of accurate tier ratings cannot be overstated. Over the last 12 years, we have seen countries begin in earnest the hard work of reaching the minimum standards after the TIP Report accurately exposed with a Tier III rating each country's failure to take significant action against human trafficking. I would note parenthetically that great friends like Israel and South Korea were Tier III countries, and they moved mightily not just to get off the list but to clean up the egregious practices that were occurring within their countries. By the same token, a premature boost to Tier II, such as what occurred in Vietnam last year, may not only undermine progress, but fail to inspire any kind of action.

The tier rankings were meant to be and in large part have become a powerful tool in the fight against human trafficking. I look forward this afternoon to a candid discussion. And we do have assembled a great group of experts who are in the know to tell us their views, and hopefully the administration will be listening.

I yield to Ms. Bass.

Ms. BASS. Well, thank you, Mr. Chairman. Once again, I want to commend you for your unwavering commitment to end human trafficking around the world. Your tireless work on the groundbreaking Trafficking Victims Protection Act of 2000 and its subsequent reauthorization has been remarkable. It has been very important to me to learn about your work on this topic, and I look forward to working together to combat human trafficking internationally, as well as domestically.

In 2012, according to the International Labor Organization, nearly 21 million individuals worldwide were subjected to conditions of human trafficking. Throughout the same year, the United Nations reports that trafficking victims have been identified by authorities in 118 countries and comprised at least 136 nationalities. I appreciate that this hearing has been convened today to examine the impact of the State Department's Trafficking in Persons Report, or the TIP Report, and specifically the tier rankings included therein. The TIP Report rankings have undoubtedly proven to be strategic tools to incentivize anti-trafficking policies, as well as to hold countries accountable for their inaction.

The William Wilberforce Trafficking Victims Protection Act of 2008 smartly limits the amount of time a country could remain on the special Tier II Watch List. And I agree, it is critical that the United States closely examine the countries that have exhausted their time on the Tier II list. An up-and-down tier determination reflecting the best interests of the victims and survivors of human trafficking will help maintain the integrity and power of the TIP Report.

In 2010, for the first time, the TIP Report also evaluated our own Nation's efforts to address human trafficking. While the assessment has been helpful in highlighting certain types of trafficking, it does not include alarming data that was recently reported about domestic minor victims. This issue is particularly important to me because it greatly impacts my city of Los Angeles and our Nation's foster youth, a vulnerable yet resilient population that we pledge to protect and to care for. So, for the record, in my congressional district, hundreds of domestic youth are commercially exploited each year. In 2012, Los Angeles County reported at least 60 per-

cent of the youth identified as victims of sex trafficking were in the foster care system. Similarly alarming statistics have emerged from jurisdictions across the country. In Connecticut, 98 percent of child victims of sex trafficking were child welfare involved, 85 percent in New York, 70 percent in Florida were also in the child welfare system.

Worse still, recent headlines indicate that pimps are now targeting foster youth group homes as hubs to recruit vulnerable girls, and increasingly gangs are engaged in commercial sexual exploitation. Yet few child welfare employees have been adequately trained or prepared to respond to child victims of trafficking, and fewer still have incorporated policies, protocols, and case management techniques to serve this population appropriately. One young survivor shared with me that she felt that our foster care system actually set her up to be trafficked, because she said that while she was moved from foster home to foster home, it wasn't until she was recruited by a pimp that she actually felt that someone cared about her. And that is a sad statement to say about our system.

Unfortunately, this story is far too common. In an effort to drastically decrease the number of foster youth who participate in this horrible exploitation, I plan to reintroduce the bipartisan Strengthening Child Welfare Response to Trafficking Act, along with my colleague on the subcommittee, Representative Tom Marino. The bill will provide child welfare employees with appropriate tools to document, identify, educate, and counsel child victims of trafficking and those at risk, require child welfare agencies to report the numbers of victims of trafficking in foster care, as well as their plans to combat trafficking to the Federal Government.

This is just one of the strategies that we should explore to address human trafficking domestically. In fact, the White House, in conjunction with the Department of Health and Human Services, Homeland Security, and the Justice Department recently released the Federal Strategic Action Plan on Services for Victims of Human Trafficking. This plan aims to create a more coordinated victim services network where identified victims of human trafficking have access to the full array of services needed for recovery. And the recent reauthorization of the Trafficking Victims Protection Act, although not perfect, solidified the ongoing bipartisan commitment of the United States to end human trafficking.

During this hearing, I look forward to further exploring the impact and specifics of the recently reauthorized law. I am also interested in discussing strategies to address specific types of trafficking, both domestic and abroad, while embracing an inclusive approach that acknowledges that human trafficking affects U.S. citizens and foreign nationals, as well as millions of adults and children, men and women worldwide, who are victimized across a wide range of commercial sex and forced labor schemes.

In closing, I would like to recognize and thank our witnesses today. Your leadership in combating trafficking is inspiring and has truly made a difference throughout the world. I look forward to hearing your testimony today and gaining a better understanding of where the gaps in our effort to end human trafficking may exist.

Mr. SMITH. Thank you very much for your statement.

I would like to now yield to Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman.

And thank each of you for being here today to testify and obviously on this very important topic. We have had a number of hearings on this particular issue, and none more important than today's hearing where we talk about how we identify and how we address this issue, not only as a Nation, but as the State Department grapples with this particular issue on how to integrate this as part of their ongoing strategy with negotiations with other countries.

And yet here we are talking about human trafficking, and we must find some standard to be able to tie the economic interest globally that we have. We would not tolerate this type of behavior with our own companies here in the United States, and yet we seem to turn a blind eye to it internationally. Even as recent yesterday, with Secretary Kerry here speaking and testifying, we talked about, one of my colleagues opposite brought up, is there a standard. And the response to that was somewhat troubling in that there was not a standard there when we talk about ongoing negotiations.

And so what I am interested in hearing from each one of you is how Congress can get involved and perhaps be the bad guy here. We understand the State Department has a tough job to do as they negotiate. But we need to put forth legislation. And as the ranking member was just pointing out, there is a bipartisan resolve on solving this and making sure that human trafficking is not something that we not only talk about doing away with, but that we are active in doing that. And I, for one, am committed to working with each one of you to do just that.

I yield back, Mr. Chairman. Thank you so much.

Mr. SMITH. Mr. Meadows, thank you so much.

Mr. Bera.

Mr. BERA. Mr. Chairman, thank you for calling this hearing on an important issue of human trafficking. I am pleased that our subcommittee is calling attention to this tragic and persistent problem.

And thank you to the witnesses for being here and helping elevate the conversation. It is absolutely essential that we take a stand.

And despite efforts by the United States and the international community to eliminate trafficking, it continues to occur in virtually every country in the world. According to the International Labor Organization, some 20.9 million individuals worldwide in 2012 were likely subjected to conditions of human trafficking. That is unacceptable.

Women and children are especially vulnerable. In 2009, it was estimated that 1.2 million children were trafficked worldwide for sexual exploitation, including prostitution or the production of sexually abusive images. Again, that is intolerable. As a planet and as a community of nations, we can't tolerate that.

Fortunately, there are individuals taking a stand against this heinous crime. And again, Mr. Chairman, I applaud you for making this a focus of our committee.

Earlier this month, I had the opportunity to meet three brothers from New Delhi, Ravi, Rishi and Nishi Kant. They were honored

by Vice President Biden at the Vital Voices Global Leadership Awards held at the Kennedy Center for their humanitarian work and efforts to end violence and human trafficking. In 2001, the three brothers founded Shakti Vahini, an organization that works for the rights of women and children in India. Over the past decade, Shakti Vahini has rescued more than 2,000 people, 70 percent of whom were children.

The brothers have combined their unique skills. Ravi is a supreme court advocate and works on legal issues, Nishi is a licensed social worker, and Rishi handles public affairs and works to garner media attention about their important work to help build a highly successful social service organization.

According to the Indian Government, 19,524 minors went missing in Kolkata in 2011, of which only 7,227 were traced; 8,725 were women. Most of the missing persons end up in prostitution, forced marriages, or begging rackets. The National Human Rights Commission of India reports that only 10 percent of human trafficking in India is international, while almost 90 percent is interstate. Nearly 40,000 children are abducted every year, of which 11,000 remain untraced. Unacceptable.

For more than a decade, these three brothers have been fighting violence against women, honor killings, human trafficking, child labor, and slavery. They have proposed new laws while demanding that current rules be enforced. They have also improved access to social services and empowered victims to take action. Shakti Vahini has helped train more than 6,000 policemen and has helped develop specialized training units that can work closely with law enforcement. Thanks to the hard work of the Kants, India's Parliament has passed a broad law last month making stalking and sexual harassment a crime.

We still have much more to do. The Kants believe they are witnessing a sea change not only for the victims of violent rapes, but also for victims of human trafficking. I was proud to meet Ravi, Rishi, and Nishi Kant to discuss their work to combat violence against women. Their organization Shakti Vahini is a great example of how men can be leaders in the fight to end violence against women.

I am interested to hear the testimony of our witnesses and learn how the State Department's Trafficking in Persons Report can be improved and what we can do to help fight this horrible injustice. And, again, I applaud you, Mr. Chairman, for shedding light on this. Thank you. I yield back.

Mr. SMITH. I appreciate it very much.

I would like to now yield to Mr. Stockman.

Mr. STOCKMAN. Thank you, Mr. Chairman. I'm just going to briefly say this, that I was reading in National Geographic that there is actually more slavery now than there was in the 1800s, whether it is the Lord's Resistance Army or other Iranian or around the world. So I am anxious to hear what you have to say, and really appreciate you guys stepping forward. I wish this was a much more popular cause than it is. Thank you.

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

I would like to now introduce our very distinguished panel. And, without objection, your full statements and any additional mate-

rials you would like to be made a part of the record shall be done so.

Beginning with Ambassador Mark Lagon. Ambassador Lagon is chair for International Relations and Security and a professor in the practice of international affairs at Georgetown University's Master of Science in Foreign Service Program, and is an adjunct senior fellow for human rights at the Council on Foreign Relations. Previously, he served in the Bureau of International Organization Affairs at the U.S. Department of State as Deputy Assistant Secretary, with the lead responsibility for the U.N.-related human rights and humanitarian issues, U.N. reform and outreach. He was a member of Secretary of State Colin Powell's policy planning staff. From 2007 to 2009, as U.S. Ambassador-at-Large, Ambassador Lagon directed the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State. As such, he chaired by statute, the Senior Policy Operating Group coordinating all U.S. agency efforts to combat human trafficking domestically and internationally. He was also a staffer at the Senate Foreign Relations Committee. And he and—I know Mr. Abramowitz knows this very well, as he was also a key player in that legislation, working on the Senate side—worked very hard to make sure that the TIP legislation passed in the first place, because it had very significant opposition.

We will then hear from Dr. Nguyen Dinh Thang, who came to the United States as a refugee from Vietnam in 1979. After earning his Ph.D., he began volunteering with Boat People SOS in 1998, now serving as the head of Boat People SOS. Dr. Thang has worked for the past 25 years to resettle more than 20,000 boat people to the U.S. after they escaped from Vietnam and has worked to rescue more than 4,000 victims of human trafficking. He has received numerous awards for his extensive work on human rights. Dr. Thang travels to Asia frequently, where he documents ongoing human rights abuses and works to help rescue victims.

We will then hear from Ms. Suzanne Scholte, who is the president of the North Korea Freedom Coalition, who does extensive work focused on protecting human rights in North Korea. She was recognized in 2010 with the Walter Judd Freedom Award and in 2008 with the Seoul Peace Prize. Ms. Scholte has helped rescue hundreds of North Korean refugees and helped bring defectors to speak to the United States. In addition, she has participated in hearings before this committee and other committees of the Congress on North Korea and has brought in trafficking victims who have told harrowing stories about how they were forcibly repatriated to North Korea from China and tales of unbelievable courage, but also of terrible degradation by government officials.

We will then hear from Mr. Brian Campbell, who is responsible for the International Labor Rights Forum's policy, legal and legislative advocacy, and runs its campaign to end child labor. For several years, Brian has had a leading role in advocating for an end to state-sponsored forced labor in Uzbekistan's cotton industry, and he works closely with child labor NGO partners in Uzbekistan to elevate the role of civil society in the country. He works to promote enforcement of existing laws, policies, and standards to protect

workers' core labor rights, and to develop and improve legal and soft law instruments.

We will then hear from Ms. Esther Choe, a victim of human trafficking. She was a textile worker in North Korea when she learned that she could make 20 times the amount of her current pay caring for children in China, so she decided to go to work for a short period of time. She was subsequently caught in human trafficking and was sold as a "wife" to a Chinese man who locked her up. After she escaped, with no one to help her, she went back to the trafficker who sold her and pled for him to help her get back home. But, instead, he sold her again to another Chinese man. Through the help of American Pastor Phillip Buck, she was able to come under the care of the UNHCR and eventually made it to the United States in 2008.

We then welcome back a member of what used to be this staff, sitting right over here, David Abramowitz, who is vice president for Policy and Government Affairs at Humanity United, responsible for informing their policy-based advocacy activities, leading outreach efforts in the U.S. Government, multilateral institutions and international NGOs, and providing strategic counsel and advice to a broad range of grantees. Before joining Humanity United, Mr. Abramowitz worked for the House Committee on Foreign Affairs as chief counsel, working diligently on the Trafficking Victims Protection Act of 2000, later reauthorizations, as well as the 2008 legislation, and many other foreign policy initiatives that this committee undertook. Prior to his work in the House, Mr. Abramowitz worked for the U.S. Department of State. And it is always good to have a member of the staff back who is so knowledgeable and so effective.

We then will hear from Ms. Carol Smolenski, who is the executive director and one of the founders of ECPAT, or End Child Prostitution and Trafficking-USA, and has been working in the field of children's rights for over 20 years. She is a longtime, nationally recognized leader working to stop the commercial sexual exploitation and trafficking of children. She has overseen the developments of numerous projects aimed at stopping the commercial sexual exploitation and trafficking of children. She has spoken at numerous conferences, presented testimony in venues ranging from the New York City Council to the United States Congress and to the United Nations.

And welcome all.

Ambassador, if you could begin.

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

Ambassador LAGON. Thank you very much for inviting me, and with Representative Bass for welcoming me to offer my observations.

Mr. Chairman, you played a central role in equipping the State Department's Office to Monitor and Combat Trafficking in Persons with the tools to elicit cooperation from other countries. And as a primary author of the Trafficking Victims Protection Act and mul-

tiple reauthorizations, past victims of human trafficking, potential victims of human trafficking, and people like me, who have worked as diplomats in this function have you to thank.

The TVPA works because of candor and tough love. And so when I was the Ambassador-at-Large to Combat Human Trafficking, I was asked by Democrats and Republicans alike in the Congress what I thought of the possibility of nations being able to stay indefinitely on the Tier II Watch List. I am delighted that a time limit was placed on that because a “watch list” is meaningless if there is no palpable prospect for a downgrade.

Now, since the time that that was put in place in the 2008 reauthorization, one case that is quite striking was that of India, which faced a legislative time limit on its Tier II Watch List ranking. The State Department upgraded India to Tier II in 2011. And while there have been veritable advances on national law establishing that bonded labor is indeed a form of human trafficking and some intensified efforts at the state level in India, my own suspicion is that strategic reasons had as much to do with this upgrade as the issues on the merits. When I was confirmed by the Senate to be the Ambassador-at-Large, I learned that just days earlier a decision had been made at the very top level of the State Department to pull back from giving a Tier III ranking to India, accounting for its importance geostrategically.

One other case I want to mention besides the ones that Chairman Smith has highlighted here is in the heart of the Western world, and far higher in the rankings: The Netherlands. The Netherlands deserves some praise: Praise for victim identification, prosecution of traffickers, and not harming or punishing victims. But having a legal prostitution policy and no accountability for sex buyers sends exactly the wrong signal, and creates an enabling environment for the worst sex trafficking. Moreover, the TVPA is very clear about accountability for officials of governments that are complicit in trafficking. And I am troubled by the case of the retired Dutch Justice Ministry Secretary General Joris Demmink, who is alleged to have raped two males in Turkey when they were minors. That kind of thing needs to be looked at seriously, and, as a result, so should the Netherlands’ ranking.

Now, of the six nations that are facing their time limit on the Tier II Watch List, first and foremost is China. I am delighted that Suzanne Scholte is here to address issues that relate to North Koreans who flee the horrible situation there, and because of how China treats them, they end up being human trafficking victims in all too many cases. A couple of the members of the committee have referred to the International Labor Organization report indicating that 21 million people in the world are human trafficking victims. Notably, that study points out that 10 percent or 2.2 million are actually in forced labor implemented by governments and militaries and armed groups. Well, in China, a large number of those 2.2 million are, in fact, in the laogai, in the “reeducation for labor” camps.

Among the standards that are set in the State Department’s report about what key steps should be taken by nations, the top one, the first one, is closing those reeducation for labor camps. That is where one should look: The paragraph in each annual report that

indicates the recommendations of the Department. That is the nub of what is being asked of a government and it is delivered quietly in a demarche, as well as publicly. That, and the national action plans that states have taken on as the price of their delay of getting Tier III, should be the grounds for looking at whether they deserve to stay off Tier III. China has been on Tier III for 8 years, and whether it is based on lack of transparency of government efforts, not even publishing its national action plan, or the laogai, it deserves to be seriously considered to Tier III.

Of the nations we talk about today, Russia is the one that is most clearly moving backwards on human trafficking. The demographic and economic situation has changed since the time of the Trafficking Victims Protection Act. Back then, in the year 2000, the pattern was females migrating within and from Russia into sex trafficking. The main issue now is people moving into or within Russia for labor trafficking. And so, as the State Department has argued, it would be essential for the Russians to look into improving victim identification and victim assistance.

Bill Burns, the Deputy Secretary of State, was Ambassador to Russia when I visited as Ambassador. He told me how Russia considers this an immigration enforcement problem, not a human rights problem. He is going to adjudicate differences in the Department on this matter.

Azerbaijan has been on the Tier II Watch List for 5 years running. Most appalling is the fact that their government has been found to be complicit in labor and sex trafficking, and an Internal Affairs Anti-Trafficking Department has actually been found to be corrupt and part of the problem.

When in 2008, I was the Ambassador at the State Department, Moldova was found to be also suffering from complicity of its own anti-trafficking unit, which was funded by the United States. It was put on Tier III, and that really got their attention. We should look at Azerbaijan in the same regard.

Of all the nations that we are talking about today, the most appalling case to me, and it is in the neighborhood of the former Soviet Union as well, is Uzbekistan, with its vestige of Soviet command style economic practices of compelling younger people to pick cotton. Think about this. Our history of slavery is based on cotton picking. It would be wrong for the United States to slough off the issue of forced labor. And while Uzbekistan has in its most recent harvest moved up the age of those who have been compelled to work and reduced the number of people under the age of 16 or 17, forced labor is still going on there. No alleged strategic reasons of the Northern Distribution Network for supplying troops that we are pulling out of Afghanistan anyway should be an excuse for not downgrading Uzbekistan. They should let ILO inspectors come in and see what they are doing as a Party to two ILO conventions on child and forced labor.

So, too, Iraq should not be let off the hook. Indeed, there has been no one who has been convicted of trafficking in the last year there. They need to put in place legislation. And other allies indeed have had their minds focused by a Tier III ranking. There is no reason why we would necessarily have to put economic sanctions on them for getting Tier III.

And, finally, I want to address the Republic of Congo, where, for instance, child prostitution is rampant. They have a 2010 Child Protection Code, and yet they have not convicted a single person with it. They don't have any government coordination between their government ministries to speak of, and they desperately need to ratify the U.N. Palermo Protocol. They, too, need to be seriously considered for Tier III status.

The scholars Beth Simmons of Harvard University and Judith Kelley of Duke University have established by rigorous quantitative methods that the rankings in the TIP Report have actually driven countries to change their laws. That is dependent upon tough love. We need to make sure that the provisions that exist in the law that give the State Department some flexibility to figure out which tools are going to be most useful to elicit the most cooperation don't let countries off the hook. And that worries me when the Senate-authored Trafficking Victims Protection Act reauthorization of 2013 adds well-intentioned provisions about countries taking part in multilateral fora and having partnerships with NGOs and businesses being given credit for that. I hope there won't be grade inflation. As a professor at Georgetown, the last thing that countries deserve is grade inflation. If partnerships are more like cotton candy—pretty, sweet, fluffy, and empty—instead of transformative ones, they shouldn't get higher rankings.

It would undercut U.S. and universal values of dignity, as well as undercut the great success story that you helped launch at this end of Pennsylvania Avenue of U.S. leverage and public diplomacy if we weren't to make the calls on the merits about whether countries are degrading people or helping prevent that.

Thank you.

Mr. SMITH. Ambassador Lagon, thank you very much for your comprehensive testimony and your leadership on this issue.

[The prepared statement of Ambassador Lagon follows:]

Grading States For Not Degrading People: Human Trafficking Assessments

Prepared statement by

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Before the

Committee of Foreign Affairs

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

*United States House of Representatives
 1st Session, 113th Congress*

Hearing on “Tier Rankings in the Fight Against Human Trafficking”

Thank you Chairman Smith for inviting me, and with Representative Bass, welcoming me to offer my observations to the Subcommittee. I would ask that my full written testimony be incorporated into the record, and I will summarize my main points more briefly now.

Mr. Chairman, you have played a central role in equipping the State Department’s Office to Monitor and Combat Trafficking in Persons (TIP) with the tools to elicit cooperation from other countries to fight the slavery of today – a slavery characterized by deceit, psychological terror, violence, robbed autonomy, and coarse degradation, if not actual chains and shackles. As primary author of the 2000 Trafficking Victims Protection Act (TVPA) and a number of reauthorizations, you deserve thanks from past victims, potential victims, and me, for that matter, as former chief U.S. diplomat for the function that legislation created.

The TVPA works because of candor and tough love – offering rankings of other governments based on their energy and success in attacking the problem of human trafficking. When I was Ambassador-at-Large directing the TIP Office from 2007 until 2009, Democratic and Republican partners on Capitol Hill asked for input on what became the December 2008 William Wilberforce TVPA Reauthorization. A big issue was

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whether a nation could stay indefinitely on the second-lowest tier, Tier 2 Watch List, indefinitely. While the official State Department position was that Congress should not tie its hands with an automatic downgrade, I felt then and now that a 'Watch List' is meaningless if there is no palpable prospect of a downgrade. It is sound that the Congress placed a time limit on Tier 2 Watch List status. After all, if it were not for Congress, there would not only be no time limit, but no tiers, no assessments, no global report, and no dedicated TIP Office to ensure that human trafficking is not deprioritized relative to other U.S. strategic or economic interests – real or alleged.

Generally speaking, the State Department does a tremendous job in producing a report which tells it like it is, offering objective rankings. Yet at times it pulls punches, typically due to the urging of regional specialists rather than the TIP Office's dedicated experts on trafficking. Facing a legislative time limit on a Tier 2 Watch List ranking, the State Department upgraded **India** from Tier 2 Watch List to Tier 2 in the June 2011 report. There have been veritable advances on national law establishing that bonded labor is human trafficking and some intensified action of state-level authorities. Yet, having myself learned of a Tier 3 ranking being overturned by the very highest level of State Department leadership just days before I was confirmed to become Ambassador at Large in May 2007, it appears to me that the upgrade may have had even more to do with strategic relations with India than the merits.

India is the demographic epicenter of human trafficking in the world, notably with millions of bonded laborers with rights on paper from a 1976 law which are infrequently enforced. India has a federal system like the U.S. It is high time the Indian national government do what its U.S. counterpart resorted to in the 1960s – pushing federal authority to the hilt when discrimination and segregation persisted in U.S. States. If state and local authorities do not act vigorously to enforce the 1976 law, federal authorities in India must not resign themselves to inaction.

For this year's report, the key tests of whether India deserves not to be downgraded are spelled out in the crucial Recommendations section of a country of the 2012 *TIP Report*, which encourages India to:

- Develop or amend laws to match the UN Palermo Protocol, with adequate penalties;
- Increase prosecutions and convictions; including punishing complicit officials;
- Push states to form special anti-trafficking courts
- Enlarge the rehabilitation and restitution offered bonded laborers under the 1976 law;
- Better protect victims testifying against their tormenters; and
- Ensure that certified trafficking victims actually receive benefits provided for on paper.

If India has not addressed these points, they do not deserve to stay of Tier 2 for a third year running. The upgrade of India in 2011 is reason for the Congress to watch all the cases of Tier 2 Watch List countries with an eagle eye in the 2013 rankings released in June.

Before turning to those very cases, I would like to note one other case far higher in the rankings, and in the heart of the Western world: **The Netherlands**. The Government of the Netherlands is to be commended for efforts at victim identification and prosecution of traffickers, and for averting the gross injustice of punishing victims and those trapped in the sex trade. Desires authorities in Amsterdam have intermittently shown to circumscribe the zone of legal prostitution offer glimmers of encouragement.

Nonetheless, government policies not only fail to punish and reduce demand, but downright encourage it – as a tourist attraction no less. Government policies sustaining the enabling environment for sex trafficking are highly problematic. The existence of legal prostitution with no accountability for sex buyers makes it all the more possible for the application of force, fraud, and coercion to adults, and of commercial sexual exploitation of minors to persist.

Moreover, the TVPA is very clear on the need to account for complicity of government officials in human trafficking. Taken along with government policy sustaining sex trafficking's enabling environment, the failure to hold the retired Dutch Justice Ministry Secretary-General Joris Demmink to account for substantial allegations of rape of two males in Turkey while they were minors means that the Netherlands Tier 1 ranking deserves some further thought. Government officials should be held to the highest standards. More generally, the Netherlands also should give traffickers sentences commensurate with the enslaving crime, like many other EU nations.

In the set of six nations which face a potential automatic downgrade from Tier 2 Watch List to Tier 3 (with possible sanctions), first and foremost is **China**. It is good that Suzanne Schulte is here addressing how China's treatment of those fleeing North Korea subjects so many to human trafficking. Those fleeing North Korea are triply violated. First, political repression and government-spurred economic chaos in North Korea violates their dignity. Second, the Chinese government's treatment of them as economic migrants rather than refugees creates leverage for traffickers to victimize them as sex slaves, brokered brides, or forced laborers. That leverage is given to exploiters by the very real prospect of a third violation: being arrested by Chinese authorities and deported back to North Korea where they face brutal punishment and, at times, execution.

There are many other concerns about China. Last year the International Labor Organization came out with an estimate that at least 20.9 million people in the world are human trafficking and forced labor victims. Of those, this robust ILO study found that 2.2 million, or over ten percent, result from forced labor compelled by governments, militaries, armed groups. A sizable proportion of that global figure is represented by those political prisoners in the *laogai*, or "reeducation through labor" prison camps, in China. Those responsible for East Asia in the State Department actually temporarily fought with the TIP Office when I was its Director as to whether the *laogai* – documented publicly in the annual Department *Human Rights Report* – would be considered trafficking victims, as they are.

Population policies and practices in China remain a driver of human trafficking. The number of children continues to be limited under threat of official penalties, and a strong societal preference for male children persists. A woman's choice to bear child is abridged, and females experience the ultimate form of discrimination – not being allowed to be born, due to sex selection abortion. The result is a skewed male/female ratio in China, spurring demand for brides and commercial sex – a magnet for human trafficking, including of North Koreans.

There have been some advances in China in recent years: ratifying the Palermo Protocol, forming a national action plan, and expanding efforts of a women's affairs bureau. Yet, the Chinese Government must address the numerous, clear Recommendations of the 2012 *TIP Report*, which include:

- Closing the "reeducation through labor" camps;
- Enacting legislation matching the 2000 UN Palermo Protocol, and bringing China's definition of trafficking in line with the Protocol (e.g., not conflating human smuggling with it);
- More transparency of government anti-trafficking efforts, and publishing the national plan of action;
- Ending pre-trial detention of trafficking victims and anti-TIP activists;
- Prosecuting officials whose corruption and complicity sustain trafficking;
- Changing the nature of contracts for Chinese workers working domestically and abroad to provide protections and eliminate punishment for fleeing trafficking situations;
- Instituting victim identification within vulnerable groups, while expanding shelter and services; and
- Ending victims deportation to home countries where they will be punished (e.g., North Korea).

More generally, the Chinese autocracy treats trafficking as a law and migration enforcement matter, and leaves societal groups vulnerable to trafficking-level abuse, like those migrating without social protections from rural areas or Uighurs ushered out of East Turkistan (permitting a stronger Han Chinese hold on that territory). Moreover, some local authorities compel children to perform manual labor in farms or factories in

so-called “work-study” programs—again notably applied to Uighurs. Onerous child labor in brick kilns is often left unbound or undisturbed by authorities. Absent addressing a number of these problems, China deserves to finally be placed on Tier 3 after eight years on a so-called “Watch List.”

When serving as Ambassador-at-Large before the 2008 TVPA Reauthorization, if asked for the best example of a country belonging in a category between Tier 2 and Tier 3, I would have said **Russia**. Yet of all the countries discussed today, it is the one which clearly is moving backward, not forward, on addressing human trafficking, despite active U.S. efforts.

When the TVPA and Palermo Protocol were fashioned some thirteen years ago, the context in the region was largely females migrating within and from Russia into *sex* trafficking. Yet economic circumstances are such that in recent years the primary dynamic is trafficking *into* Russia from other states of the former Soviet Union, and within Russia, for *forced labor*. The 2012 *TIP Report* recommends that Russia:

- Develop guidance for law enforcement, labor inspectors, and health officials for identifying trafficking victims and referring them to social services;
- Offer funding to state and NGO agencies to care for and rehabilitate victims;
- Reverse policies permitting victims to be detained or punished after being trafficked;
- Ensure alternatives to deportation to home countries where victims will be punished;
- Increase prosecutions of perpetrators and complicit government officials; and
- Address forced labor in construction projects, including for the 2014 Sochi Winter Olympics.

As an aside, my colleagues at Human Rights Watch and Amnesty International have expressed great concern to me about the construction in preparation for the Sochi games, to which one must add the propensity for international games to enlarge sex trafficking. In sum, Russia deserves to be downgraded after eight years on the Tier Two Watch List if it does not address these concerns very plainly enumerated in the 2012 Report and by diplomatic demarche in Moscow.

Current Deputy Secretary of State Bill Burns was particularly kind and frank when I came to Russia in 2008 as Ambassador-at-Large and he was Ambassador to that nation. He confirmed Russian authorities did not look at human trafficking as a human rights matter, instead seeing it as only a security and immigration enforcement matter. In the absence of a supervisory Undersecretary, the TIP Office will rely on Deputy Secretary Burns to adjudicate differences of opinion over tier rankings. Russia is backsliding, and he should note that.

Azerbaijan has been on the Tier 2 Watch List for five years running. The government has been found to be complicit in labor and sex trafficking, including the Internal Affairs Anti-Trafficking Department no less. A similar case of the anti-trafficking department in Moldova’s Government being found complicit in human trafficking landed Moldova on Tier 3 in 2008 under my tenure. The Department then refused to cover up the embarrassment of Moldova having been one of eight nations selected to receive substantial aid under a Bush anti-trafficking presidential initiative, funding that very department. And a Tier 3 ranking worked to get that government’s attention to reverse the corruption in question.

The State Department has made crystal clear that the Government of Azerbaijan should:

- Transparently punish complicit government officials;
- Train labor inspectors to boost victim identification and improve a national victim referral mechanism;
- Amend its law to require work permits for migrant construction workers, and improve inspections of those workers’ conditions;
- Improve access to justice for victims, including by protecting them during court proceedings;
- Enforce its own ban against withholding of migrant workers passports; and
- Train working-level law enforcement on treating victims as victims.

Absent tangible progress on these counts, Azerbaijan merits the automatic downgrade provided for by Congress.

I think the most appalling case in the neighborhood of the former Soviet Union, though, is **Uzbekistan**. I co-authored with former Clinton-era State Department official Bennett Freeman a March 13, 2013 opinion piece on it (see <http://www.opcnetwork.org/voices/uzbekistan-must-end-state-sponsored-slavery>). Uzbekistan retains a vestige of Soviet command economy practices in compelling young people to pick cotton in the harvesting season. A few years ago, the Government has ratified two ILO Conventions on child and forced labor, and yet justice exists only on paper. Recent *TIP Reports* indicate an enlargement of the practice. It appears that in the last cotton harvesting season, the government shifted the age cohort of those mobilized into involuntarily labor upward. Yet, despite a limitation on the number of students under the ages of 16 or 17, it is still forced labor for those older than that.

Let me be plain: There are loud voices within the U.S. Government who say the U.S. must downplay any distraction which might upset Uzbekistan's cooperation in the Northern Distribution Network getting supplies to troops in Afghanistan. China, Russia, and India may predictably avoid downgrades as great powers. But if as unreconstructed and unrepentant an autocracy as Uzbekistan is let off the hook because of a supply mechanism for troops being winnowed from Afghanistan anyway, it would be a travesty.

Uzbekistan's government must address the Recommendations in the 2012 *TIP Report* and U.S. demarches:

- End government-led forced labor in the annual cotton harvest;
- Hold officials complicit in forced labor to account;
- Allow independent inspectors access during the cotton harvest;
- Fund and support NGOs to assist and shelter trafficking victims; and
- Avert the punishment of trafficking victims.

The only basis for averting a downgrade should real progress on these grounds. In particular, despite some veritable action on the part of the Uzbek Government in recent years on fighting sex trafficking, as party to pertinent ILO Conventions, by refusing to let ILO inspectors with expertise check on cotton harvesting in progress, they deserve the automatic downgrade. Having all too slowly addressed the injustice and lingering legacies of slavery based on cotton-picking in America, the U.S. Government ought not to ironically shirk its duty to address forced labor for cotton in Uzbekistan.

So-called "extenuating circumstances" of strategic interests ought not to obscure a fair assessment of Iraq either. The Government of Iraq did not convict any traffickers in the last reporting year. The State Department has gone on record to suggest Iraq's Government should as its highest priorities:

- Put in place legislation prohibiting all forms of trafficking;
- Boost victim identification by comprehensively training law enforcement and immigration officials;
- Stop punishing coerced prostitution and other human trafficking victims, and decriminalize NGOs assisting sex trafficking victims;
- Provide shelter and services for victims, and aid NGOs to do so, including for victims found abroad
- Address forced marriage, which sustains both sexual and domestic servitude; and
- Regulate foreign labor brokers recruiting Iraqis into human trafficking conditions.

If Iraq is not found to have addressed these concerns in any substantial way, a downgrade is reasonable.

A Tier 3 ranking does not negate other successes in the U.S. policy with Iraq, but rather it exhibits honesty. Nor does a Tier 3 ranking mean an end to dialogue; it could indeed focus the mind of a U.S. ally facing armed threats, like it did for Israel or the Philippines in the past. Moreover, sanctions on Iraq triggered by a Tier 3 ranking can be waived for reasons of national interests, and should be. Yet a ranking should be determined on the merits.

Lastly, I want to address the **Republic of Congo**. The Government in Brazzaville does not get nearly the focus from the human rights community or the U.S. Government as the Democratic Republic of Congo does, and understandably so given the longstanding human suffering in the latter. Still, child prostitution in the Republic of Congo, however, is rampant, and the government has not convicted anyone under a 2010 law banning child trafficking. The 2012 *TIP Report* recommends that the Republic of Congo should:

- Boost prosecutions under its 2010 Child Protection Code.
 - Ratify the UN Palermo Protocol.
 - Amend its law to include all forms of trafficking, and not just of children;
 - Train law enforcement, immigration, and social workers to identify victims among vulnerable population groups and to refer them to social services; and
 - Establish anti-trafficking coordination between national government ministries now absent.
- Once again, some action on these benchmarks would be necessary to avert an automatic downgrade to Tier 3.

There are *many* other countries in the world worth attention too. Particular focus is due in the Gulf and Middle East, that more general problems of armed conflict, government transitions, repression of dissent, and young unemployment do not trump a focus on human trafficking in the 2013 *TIP* rankings and future ones.

The *TIP Report* was an invaluable tool handed to the Executive Branch by Congress. It has worked. Political scientists Beth Simmons of Harvard University and Judith Kelley of Duke University established by rigorous quantitative methods that its rankings propel countries to strengthen their laws (see http://silj.org/courses/documents/Judith_Kelley_Hauser.pdf, which Kelley granted me permission to cite).

To work better, candor about other nations' record requires candor about our own record. Secretary of State Hillary Clinton is to be commended for instituting a tier ranking and a more exhaustive country profile of the United States. This transparency about the U.S. started when John Miller and I were the Ambassador-at-Large. Ambassador Miller introduced a narrative about the United States in the *TIP Report*, based on a Department of Justice report on the U.S. required by the 2003 TVPA Reauthorization. He expended *State Department TIP* Office funds to publish the DOJ Report for international circulation when DOJ would only post it on the Internet. I circulated the *TIP Report* and DOJ Report on the same CD-ROM to governments and publics abroad, to show that we assessed ourselves as we assessed others. I convinced DOJ to realign its production of its domestic report to coincide with release of the State Department global report.

By being a more open exemplar, the important "tough love" effort to press other nations to improve has increased legitimacy. Yet, tough love is undercut by occasional misuse of devices created by a well-intentioned desire to give the Executive Branch flexibility to make judgments what steps will elicit the most action from other governments, such as:

- *The option for an immediate upgrade of a nation from Tier 3 if it provides the U.S. a concrete roadmap for action within 90 days.* I myself witnessed a case where this flexibility was used in the name of allegedly valuable strategic relationship with a small state when no truly concrete roadmap was given.
- *Waivers of sanctions on Tier 3 countries* (beyond the judicious exemption of humanitarian aid from cutoffs in the 2000 TPVA). I learned as Ambassador of the amusing term "double-hatted sanctions," which refers to having sanctions placed on nations for other reasons (e.g., sponsoring terrorism) also counting for human trafficking; there are too few cases of sanctions for only human trafficking reasons.
- *Delays and waivers from automatic downgrades* permitted under the 2008 TVPA Reauthorization.

Perhaps because it was in the Senate's bill attached to the important reauthorization of the Violence Against Women Act, Congress adopted in the 2013 TVPA Reauthorization further mechanisms to buoy grades. It added elements to the Minimum Standards guiding tier rankings which may undercut tough love and leverage. While no doubt well-intentioned, they accord credit in tier rankings to (1) mere attendance at multilateral fora on human trafficking; and (2) partnerships with businesses and NGOs.

As a UN specialist myself, avid funder of partnerships with NGOs worldwide as Ambassador, head of an anti-trafficking NGO (Polaris Project), and founding Board Member of a Global Business Coalition Against Human Trafficking (gbcacat.org), I hail multilateral action and partnerships to fight trafficking. But if such partnerships are less transformative and more like cotton-candy (pretty, sweet, fluffy, and lacking substance), then these Senate-crafted provisions might have handed those at the State Department less inclined to objective tier rankings pretexts to justify inflated grades.

Across-the-board downgrades of countries to Tier 3 are not be justified unless based on objective assessment. I favor encouraging further progress by merited upgrades. As such, in 2008 I pushed for an upgrade for Mexico to Tier 2 when it passed a national law. Yet China, Russia, Azerbaijan, Iraq, Republic of Congo, and especially Uzbekistan deserve close examination. Even worse that using a permitted waiver of sanctions, or a waivers or delays of downgrades permitted by the TVPA as reauthorized, would be raising rankings to serve unrelated foreign policy equities. As a professor myself now, I urge against using alleged "extenuating circumstances" as an excuse for inflating grades. It would undercut U.S. and universal values of dignity, as well as undercut a great success story to date of U.S. leverage and public diplomacy made possible by architects at this end of Pennsylvania Avenue thirteen years ago.

Mr. SMITH. Dr. Thang.

**STATEMENT OF NGUYEN DINH THANG, PH.D., EXECUTIVE
DIRECTOR, BOAT PEOPLE SOS**

Mr. THANG. Mr. Chairman and Madam Ranking Member and all the distinguished members of the subcommittee, today I speak on behalf of the Coalition to Abolish Modern Day Slavery in Asia, or CAMSA, which was co-founded in February 2008 by Boat People SOS and other international organizations. Over the past 5 years, we have rescued or assisted over 4,000 victims of labor and sex trafficking in different destination countries, including 300 Vietnamese in Russia.

Of all the victims that we have assisted, these 300 in Russia have faced the most horrid slave-like conditions and the near impossibility of escape. And note that all the perpetrators in these cases are Vietnamese nationals who enjoy the backing and protection of officials at the Vietnamese Embassy in Moscow. And therefore, even though I focus on Russia at this hearing, I would like to point out that there is a clear and direct linkage to Vietnam as a source country.

Now, the number of Vietnamese victims in Russia could be in the tens of thousands. According to our reliable sources in Russia, there are approximately 3,000, yes, 3,000 Vietnamese-owned sweatshops in and around Moscow alone, each employing from a few to over 100 workers. Many of these workers are subjected to forced labor.

There are also numerous brothels run by Vietnamese nationals in and around Moscow. They lure young Vietnamese women to Russia with a promise of employment and then force them into prostitution.

Most victims that we have identified have been held captive and incommunicado for 3, 4, or 5 years. The factories, these garment factories, operate out of formerly abandoned Soviet-era military buildings located in isolated areas frequently patrolled by Russian security guards. Usually after 15 hours, 18 hours, or sometimes 20 hours of work during the day, the victims would be herded into rooms without windows and locked on the outside. Most of them have developed skin diseases for lack of sunlight. One victim reported that she was allowed to get out into the backyard of the building only twice over 2 years. Those were the only times that she could breathe fresh air.

Last April, a fire broke out at a sweatshop killing 12 Vietnamese victims because they could not escape. And then 5 months later, another fire broke out in another sweatshop near Moscow killing 14 Vietnamese migrant workers because they, too, couldn't escape. In very rare instances where victims manage to escape, there is no place for them to hide, no place for them to go to for help. There is no shelter. There are no NGO service providers coming to their assistance. There is no government agency that would protect them.

Two months ago, four Vietnamese victims of sex trafficking, all very young girls, ran away from their traffickers, and one of them had a sister who testified here before this subcommittee just last week. They rent a small room with whatever little money they had

at a private home and called us for help. We tried to contact numerous Russian NGOs that we had known for years, in 2009, only to find out that none of them were in operation. They had all closed operation because they couldn't operate in such a hostile environment. The four escapees called the Vietnamese Embassy, but it turned out the Vietnamese Embassy worked hand in hand with the traffickers. And soon they were all recaptured by the traffickers, beaten savagely, and forced back into prostitution.

It is a known fact among Vietnamese in Moscow that the local Russian police work for the traffickers. There is even a name for that, "bao ke," literally translated into "insurers." So these police officers are insurers, meaning that the police would act at the request of the traffickers to ensure that noncooperating victims will cooperate.

In February of last year, two victims, husband and wife, escaped their sweatshop, owned by the traffickers. The local police had an arrest warrant on them on a fabricated charge of fighting. A month later, the police caught them and delivered them back to the traffickers instead of to the police station for investigation, and they were tortured for 2 days, fined \$2,000 for the escape, and forced back to work. We reported this case, which involved a total of 102 victims, to the Federal Investigative Committee of the Russian Federation. They responded relatively promptly and promised investigation. Soon labor inspectors visited the sweatshop, fined the employer for not having valid work permits for the employees, and left without talking to any of the victims.

We then wrote another letter to the Investigative Committee alerting them that the owner had changed his company's name and had relocated the factory to another location along with all the victims. Months later, actually, late January of this year, the Investigative Committee wrote to us again informing us that the local police had talked to the landlord at the old facility and found no sweatshop. Case closed. Most of the victims are still trapped in Russia.

In 2003 and 2004 the Russian Federation did issue a new legal framework to fight human trafficking. However, that doesn't mean much if the victims of human trafficking themselves are rarely identified as such by law enforcers, even in cases with overwhelming evidence. Last year, we reported to Russia's Investigative Committee another labor trafficking case, this time involving 150 victims who were left to starve after they stopped work to protest slave-like conditions. The BBC news service managed to enter the factory and interview the victims with lots of evidence. Weeks later, the Russian police mounted a raid. All victims were rescued and repatriated except five. These were the five strike leaders. We later found out that just prior to the raid the trafficker had had the local police send them to a local prison. And many weeks later, they were quietly repatriated to Vietnam. There was no investigation into the allegations of human trafficking despite a lot of evidence on tape.

Even though my experience is limited to Vietnamese victims of labor and sex trafficking in Russia, the problems they face and we face in trying to rescue them appear to be systemic in nature. I don't foresee any improvements in the near future. I don't see how

Russia could be elevated to Tier II. And since all these cases involve victims, some from Vietnam, trafficked from Vietnam to Russia, I would like to express my surprise and amazement that Vietnam was taken off the Tier II Watch List last year without demonstrating any real progress. And I would like to echo my concern—I mean Ambassador Lagon's concern here—that taking off countries from the Watch List might be an evasion tactic that would allow them to evade the automatic drop to Tier III after 4 years.

And with that, I would call to this subcommittee's attention not only human trafficking in Russia, but also from Vietnam to Russia and to other countries. Thank you.

Mr. SMITH. Dr. Thang, thank you so very much for your testimony and leadership.

[The prepared statement of Mr. Thang follows:]

Statement of Nguyen Dinh Thang, PhD

CEO & President, Boat People SOS

Co-founder, Coalition to Abolish Modern-day Slavery in Asia (CAMSA)

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

Tier Rankings in the Fight Against Human Trafficking

April 18, 2013

Mr. Chairman and Distinguished Members of the Subcommittee,

I would like to thank you for this opportunity to offer my personal knowledge of challenges we have faced in rescuing victims of human trafficking in Russia. I speak on behalf of the Coalition to Abolish Modern-day Slavery in Asia (CAMSA), which was co-founded in February of 2008 by Boat People SOS and other international organizations. Over the past five years we have rescued or assisted over four thousand victims of labor and sex trafficking in different countries, including Taiwan, China, Malaysia, Jordan, Russia, and the United States.

A disclaimer is in order. My knowledge does not encompass the full gamut of human trafficking issues in Russia, but is limited to the problem of Vietnamese trafficked to Russia. No doubt trafficking in Russia takes many shapes and involves more than Vietnamese. We are looking at Russia only from the angle of its being a destination country. Russia is also a source and a transit country in the movement of trafficked victims.

Since last year I have personally worked on 6 cases involving some 300 Vietnamese victims of labor and sex trafficking trapped in Russia. This experience would shine some light on the highly complex and murky human trafficking situation in this vast country.

According to the Vietnamese government's official statistics there are 10,000 Vietnamese migrant workers in Russia; 30% of them left the country officially under Vietnam's labor export program while the rest entered Russia on tourist visas. We believe the actual number is many times higher. According to our reliable local independent sources of information, there are approximately 3,000 Vietnamese-owned sweatshops in and around Moscow alone, each employing from a few to over a hundred workers. Many of these workers are victims of forced labor. There are also numerous brothels run by Vietnamese in and around Moscow; young Vietnamese women are lured to Russia with employment offers and forced into prostitution, serving mainly Vietnamese clients.

The existing system in Russia makes it practically impossible for victims to escape and seek help. About half of the identified victims that we have tried to rescue for the past 18 months are still held captive by their traffickers. Following are the challenges that we have identified.

Investigation and Prosecution of Traffickers

None of the cases that we have brought to the attention of the Russian authorities has been identified as human trafficking.

In 2003 the Russian Federation introduced changes and additions to its criminal codes defining the crimes of human trafficking and specifying corresponding punishments. However, these provisions are of little use if even classic cases of human trafficking are dismissed by law enforcers as mere violations of labor and employment laws.

Last year we reported to the Investigative Committee of the Russian Federation acts of labor trafficking committed by two Vietnamese-owned sweatshops, VINASTAR and VICTORIA, involving a total of over 250 victims of modern-day slavery.

These victims were forced to work 15-18 hours, sometimes as much as 22 hours, a day. There was no holiday, no break on weekends. There was nothing left of their salaries after deductions for food and lodging. They were held captive day and night within the confines of the sweatshops, which operated in formerly abandoned Soviet-era military facilities. Many victims developed skin diseases for lack of sunlight. One victim later reported that in the two years of captivity she was allowed only twice to the facility's backyard, where she had some fresh air. Those who managed to escape, when caught by the Russian police, would be returned to their traffickers. Some had been taken away and no longer heard of. Some were sold to other employers.

In late July, receiving tips from a local Vietnamese advocate, the British Broadcasting Corporation (BBC) news service managed to get into the VINASTAR sweatshop and came out with incriminating evidence of human trafficking. A few days later, the Russian immigration service conducted a surprise raid on the premise of the factory. They identified many workers to be illegal migrants, and investigated the factory owner for employing illegal migrants. There was no mention of human trafficking.

Then in early August, the Russian police inspected the VICTORIA factory. The employer, probably tipped off in advance by an insider, had already moved all the victims to a different place in the facility that was not inspected by the police. The police issued fines to the employer for not having valid work permits for his employees. The police made no attempt to contact the victims to investigate reported acts of human trafficking.

In late January of this year, I received a letter from the Investigative Committee declaring "case closed"-- the local police had visited the location of the VICTORIA facility but the landlord denied knowing of any such sweatshop, despite the fact that BBC's TV crew had filmed the facility. Back in August we had informed the Investigative Committee that VICTORIA had already changed its name and moved to a new location.

Protection of victims of human trafficking

In 2004, Russia's federal law "On State Protection of Victims, Witnesses and Other Parties to Criminal Proceedings" was introduced. In practice, none of the victims of human trafficking we help qualifies for protection under the new law because they are not recognized as such.

The local police in and around Moscow seems to get along well with the traffickers. In the VICTORIA case, two victims, husband and wife, made a successful escape in early February 2012. In late March the police apprehended them because there was a supposed warrant for their arrest for fighting. They were however not taken to the police station but sent back to

VICTORIA, where they were subjected to torture, fined 2,000 USD for the escape, and forced back to work.

In the VINASTAR case, 5 of the victims disappeared after the police raided the factory. They were not among those repatriated and nowhere to be found. These five were the most vocal of all strikers. We later learned that, in advance of the raid on July 31, the local police had already moved them to a local prison. Our local contact made inquiries with the prison's administration and was told that there was no record of their incarceration. In essence the local police used this prison as a holding place to completely isolate and silence potential witnesses. These victims were released weeks later and only after their families had each paid a 500 USD ransom.

Vietnamese victims of sex trafficking have reported to us that their traffickers retain the local police as "bảo kê" (literally "insurers"), meaning that the police would act at the request of the traffickers to ensure that non-cooperating victims will cooperate.

Prevention of human trafficking and monitoring of immigration patterns

Late last year one of our Vietnamese American volunteers planned a visit to Moscow. She was issued a tourist visa after three interviews spanning two weeks. Clearly the same standard does not apply to the issuance of Russian tourist visas to Vietnamese citizens in Vietnam.

Even casual inspection of tourist visa applications should suffice to reveal that there is a disproportionate number of Vietnamese from poverty-stricken villages in rural or mountainous areas traveling to Russia as tourists. This should have raised a red flag because these tourists struggle to place food on the table. A potentially effective but simple prevention measure is to inform such "tourists" of the risks of being trafficked and how to get help if trafficked. This is not being done.

We have discussed with our local Vietnamese contacts about distributing preventive information to the community of migrant workers in Moscow. Our contacts expressed fear of retaliation because organized crime syndicates operate openly while the police cannot be counted on for protection.

Involvement of civil society

Victims of human trafficking in Russia have practically no support from the NGO community. There is no NGO offering shelter, assisting with the rescue, or advocating for the rights of victims.

In February of this year, four Vietnamese victims of sex trafficking managed to escape the brothel where they had been held captive. I did an extensive search for an NGO that could take them in, give them temporary refuge, feed them and act as their advocate. There was none.

In 2009 we hosted at our national headquarters in Northern Virginia a dozen representatives of Russian NGOs working on human trafficking issues. All these NGOs had ceased operation because of the unsupportive environment they had to work in. The few international NGOs that we knew had pulled out of Russia.

Running out of money and a place to hide, the said four victims were soon recaptured by their traffickers.

In conclusion, Vietnamese victims of human trafficking in Russia have practically no chance of finding freedom. The syndicates that traffic them do so almost openly, counting on the complicity of the local police. The Investigative Committee at the federal level often relies on the local police to investigate reported incidents of human trafficking. In rare instances where victims could escape their traffickers and evade the local police, there is no place for them to hide and no one to come to their rescue. There are fewer NGOs fighting human trafficking in Russia today than four years ago.

I do not see or foresee any improvements to the current situation for the near future.

Mr. SMITH. I would like to just say, without objection, the statement of the full committee Chairman Ed Royce will be submitted for the record. And Chairman Royce was here earlier on and is a great supporter of all our efforts and the efforts of Congress to combat this terrible human rights abuse called human trafficking. So, without objection, his statement is made a part of the record.

Ms. Scholte, if you could proceed.

STATEMENT OF MS. SUZANNE SCHOLTE, PRESIDENT, NORTH KOREA FREEDOM COALITION

Ms. SCHOLTE. Congressman Smith, I want to thank you so much for your leadership on this issue.

And thank you, Congressman Meadows, for being here and showing your interest in this issue of fighting human trafficking.

In your hearing announcement you mentioned the halls of Parliament to small police stations in remote corners of the world to consider how governments are dealing with human trafficking. I would like to make clear that it is the respective Government of China and its small police stations that are not only failing to stop human trafficking in China but are, in fact, causing human trafficking. I am specifically referring to the North Korean refugees that have fled to China and the fact that China has refused to abide by its international treaty obligations regarding these refugees.

North Koreans face a well-founded fear of persecution when they are repatriated back to North Korea, which clearly obligates China not to force them back to a country where they will most certainly be tortured, most certainly be imprisoned, and in some cases even executed.

Regarding the small police stations, I am specifically referring to the police station in the provinces near the China-North Korea border that are offering rewards for those turning in North Korean refugees and severe punishment of their own citizens if it is known that they have helped North Korean refugees but failed to turn them in to the police. I submit with my testimony a photograph and a translation of just such an order from the Yanbian police station from last month, March 2013, which was obtained by Donga Ilbo reporter Joo Sung Ha.

China's repatriation policy has created the environment for human trafficking because it puts these refugees, who are mostly women, at the complete mercy of the traffickers. I want to be clear that it is not the citizens of China that are causing this problem, but the Government of China. In fact, I fervently believe that the citizens of China are sympathetic and appalled by their government's actions. The Chinese people are increasingly complaining about their government's continued support for the Kim Jong Un regime, and Chinese citizens have been jailed for helping North Korean refugees. We also hear stories from North Koreans jailed in China who said Chinese police smuggled medicine and food for them, and in some cases even allowed them to escape.

Two main factors helped create the environment for this trafficking problem. The first is China's one-child policy, which we discussed earlier, which has led to a shortage of women. And the second is the chronic hunger situation in North Korea. North Korean

refugees cross the China-North Korean border to try to find work and food to feed their starving families. Understandably, China started labeling them economic migrants. Yet the moment a North Korean enters China, they fit the definition of asylum seeker because it is a crime punishable by death in North Korea for their citizens to leave their country without permission.

Rather than working with the UNHCR, who has an office in Beijing, China has chosen instead to work with the Democratic People's Republic of Korea to force these refugees back to North Korea. But it is even worse than that. China authorities are literally marking North Koreans for death. According to Kim Seong Min of Free North Korea Radio, China began separating North Korean defectors into two groups, based on whether they were trying to escape to South Korea, starting in at least 2008. We suspect this was part of the crackdown before the Beijing Olympics as China feared the world would see their cruel treatment of these refugees.

Joo Sung Ha, the Donga Ilbo reporter, and Kim Yong Hwa, an activist recently jailed in China, revealed how China used a different color stamp on the interrogation papers indicating which refugees were trying get to South Korea. Because of this collusion, the Chinese Government is complicit in premeditated murder because it knows that North Koreans trying to get to South Korea will be executed when they are forced back to North Korea.

China's brutal and unlawful repatriation policy has led to the exploitation of North Korean women who in their vulnerability become the victims of traffickers. Americans, Japanese, Chinese, and South Korean citizens have all been imprisoned in China for helping North Koreans. And just last year, South Korean citizen Kim Young Hwan was imprisoned and tortured in China, while a South Korean missionary, Kim Chang-Whan, was murdered by North Korean agents, and another, Ho-Bin Kang, survived an assassination attempt, only to be killed last May in a suspicious head-on car crash.

How ironic that China will allow North Korean assassins to operate freely in its country, hunting down refugees and assassinating humanitarians, but it will not allow the UNHCR any access to these refugees.

There is also a suspicious incident that happened to a Chinese citizen last summer. The father of Kim Do Hyeon was contacted and told to claim the body of his son and daughter-in-law. Kim and his wife had been taken in for interrogation by the Changchun police when Kim was caught in the process of trying to rescue five North Korean refugees.

I want to cite just a few examples of North Korean women I have interviewed. Mrs. Bahng brought her children to China because they were starving to death. The moment she crossed the border, she was seized by a trafficker and taken to be sold at a market for North Korean women, where the traffickers describe the North Korean women as pigs. She was sold as the best pig for \$586. Before she eventually escaped and made it to South Korea, she had been sold as a wife, a so-called wife, three times.

In the case of Mrs. Kim, she was lured out of North Korea by a trafficking ring. She was told a job awaited her as a nanny in China. But the moment she got to China, a hood was placed over

her head and she was taken to a trafficking market where she was sold to a Chinese man where she said she lived a life of hell.

These so-called wives live with a constant threat that if they do not do what their so-called husbands demand, they will be turned in to police and repatriated to North Korea. North Korean women are also sold into brothels, so-called massage parlors. Other North Korean females end up being forced to do Internet pornography. I brought a witness with me today who will share her own personal story about what happened to her.

I would also like to bring to the committee's attention a publication by the Committee for Human Rights in North Korea entitled, "Lives for Sale: Personal Accounts of Women Fleeing North Korea to China."

We now have a new President of China, and we hope that President Xi Jinping will reverse this policy to solve this human trafficking issue. It is absolutely in China's best interest to do this for several reasons. First of all, China's repatriation policy is not only leading to the trafficking of North Korean women, it is prolonging the North Korean refugee crisis. China's actions are ensuring that there will always be refugees trying to escape North Korea by relieving any pressure on the Kim Jong Un regime to adopt basic reforms that would create a better life in North Korea so that people did not want to flee. Second of all, China's future would be much better for its own people if it works with South Korea rather than continues to kowtow to the dictator in North Korea. The two countries celebrated the 20th anniversary of their diplomatic ties last year, and they enjoy a robust trade relationship that is expected to top \$300 billion annually by 2015. Third, all the remedies for resolving this issue are immediately at hand to ensure that no burden falls on China, including the fact that the UNHCR has an office in Beijing, and there has been a strong commitment by South Korea, the United States, and other countries to resettle North Koreans that have fled to China. Finally, as I mentioned earlier, the Chinese people are increasingly questioning their government's support for Kim Jong Un. In fact, Deng Yuwen, who is the editor of Study Times, the journal of the Communist Party's Central Party School, actually wrote an article stating that China should give up on Pyongyang and press for the reunification of the Korean Peninsula.

The 10th annual North Korea Freedom Week is coming up later this month, and in coordination with that event we are organizing a worldwide North Korean Refugee Awareness Day and calling upon citizens around the world to send petitions to President Xi requesting that China change their policy toward North Korean refugees. I hope that the United States Congress will join us in this appeal. I just want to close to say this is a perfect opportunity for us to assure China's new President we want to work with China to end the trafficking of North Korean women and help resolve this refugee crisis in accordance with international law.

Thank you.

Mr. SMITH. Ms. Scholte, thank you so very much.
[The prepared statement of Ms. Scholte follows:]

Suzanne Scholte
 Chairman, North Korea Freedom Coalition
 House Committee on Foreign Affairs
 April 18, 2013
 Subcommittee Hearing: Tier Rankings in the Fight Against Human Trafficking

Congressman Chris Smith and Congresswoman Karen Bass, thank you so much for your leadership in fighting human trafficking and organizing today's hearing. I will address the specific country of China in my testimony. In your hearing announcement you specifically mention the "halls of parliament to small police stations in remote corners of the world" to consider how respective governments are dealing with human trafficking. I would like to make clear to you today that it is the respective government of China and its small police stations that are not only not failing to stop human trafficking in China, but are in fact causing human trafficking in China. I am specifically referring to the North Korean refugees that have fled to China and the fact that China has refused to abide by its international treaty obligations regarding these refugees. China is a signatory since 1982 to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. The fact that North Koreans face a well founded fear of persecution when they are repatriated back to North Korea clearly obligates China not to force refugees back to a country where they will most certainly be tortured, most certainly be imprisoned and in some cases even executed.

Regarding the small police stations, I am specifically referring to the police stations in the provinces near the China-North Korea border that are offering rewards for those turning in North Korean refugees and severe punishment for those who are found to have known about North Korean refugees but failed to turn them into the police. I submit with my testimony a photograph and a translation of just such an order from the Yanbian police station from last month, March 2013, which was obtained by the *Donga Ilbo* reporter Joo Sung Ha, himself a defector from North Korea now living in South Korea.

This policy of China – which is in direct violation of international law – has created the environment for human trafficking because it puts these refugees, who are mostly women, at complete risk.

I want to be clear that it is not the citizens of China that are causing this problem but the government of China – in fact, I fervently believe that the citizens of China, who know about this issue, are totally sympathetic and appalled by this action by their government. The Chinese people are increasingly taking to the blogosphere to complain about their government's continued support for the Kim Jong Eun regime, and Chinese citizens have been jailed for helping North Korean refugees. We also hear anecdotal stories repeatedly from North Koreans who were jailed in China who said Chinese police smuggled in medicine and food for them and in some cases even allowed them to escape.

Two main factors helped create the environment for this trafficking problem: the first is China's one child policy which has led to a shortage of women in China and the second is the chronic hunger situation in North Korea. When famine struck North Korea in the 1990s, North Korean refugees began crossing the China-North Korea border to try to find work and food to feed their

starving families. Understandably, China labeled them “economic migrants” claiming they were no different than Mexicans crossing the United States border for jobs to feed their families. Yet, the moment a North Korean enters China they fit the definition of an asylum seeker because it is a crime punishable by death in North Korea for their citizens to leave their country without permission.

China -- rather than working on this refugee problem with the United Nations High Commissioner for Refugees which has an office in Beijing and solely exists for this purpose -- has chosen instead to honor a bilateral agreement it has with the Democratic People’s Republic of Korea to turn these refugees over to North Korean security agents.

But it is even worse than that: China authorities are literally marking North Koreans for death. According to Kim Seong Min of Free North Korea Radio, which has informants in both North Korea’s and China’s security operations, China began separating North Korean defectors into two groups based on whether they were trying to escape to South Korea starting in at least 2008. We suspect this was part of the crack down before the Beijing Olympics and the enormous fear China had about the world coming to know about their cruel treatment of North Korean refugees. Joo Sung Ha, the Donga-ilbo reporter, and Kim Yong Hwa, an activist recently jailed in China, revealed how China used a different color stamp on the interrogation papers indicating which refugees were trying to get to South Korea. Because of this collusion the Chinese government is complicit in pre-meditated murder because it knows that North Koreans trying to get to South Korea will be executed when they are forced back to North Korea.

China’s brutal and unlawful repatriation policy has led to the exploitation of North Korean women who in their vulnerability become the victims of traffickers and has created a lawless environment in China. We have seen Americans, Japanese, Chinese and South Koreans imprisoned in China for helping North Koreans and just last year South Korean citizen Kim Young Hwan was imprisoned and tortured in China, while a South Korean missionary Kim Chang-Whan was murdered by North Korean agents and another, Ho-Bin Kang, survived an assassination attempt only to be killed last May in a suspicious head on car crash. How ironic that China will allow North Korean assassins to operate freely in its country hunting down refugees and assassinating humanitarians, but will not allow the internationally recognized agency – the UNHCR -- to have any access to the refugees. There is also a suspicious incident that happened to a Chinese citizen last summer. The father of Kim Do Hyeon was contacted and told to claim the body of his son and daughter in law. Kim and his wife had been taken in for interrogation by the Changchun police when Kim was caught in the process of trying to rescue five North Korean refugees.

I want to cite just a few examples of North Korean women I have interviewed about this and arranged to testify in the U.S. Congress. For example, Mrs. Bahng brought her children to China because they were starving to death and she knew there was food in China. The moment she crossed the border she was seized by a trafficker and taken to be sold at a market of North Korean women where the traffickers described them all as “pigs”. She said she was sold as the best “pig” for \$586. Before she eventually escaped and made it to South Korea, she had been sold as a “wife” three different times. In the case of Mrs. Kim, she was lured out of North Korea by a trafficking ring. She was told a job awaited her as a Nanny in China that would pay

enough that she could feed her family. The moment she got to China a hood was placed over her head and she was taken to a trafficking market where she was sold to a Chinese man where she said, "She lived a life of hell." These "wives" live with the constant threat that if they do not do what their "husbands" demand, they will be turned into the police and repatriated to North Korea. North Korean women are also sold into brothels – so called "massage parlors". There is a North Korean family living here in the United States whose sister is being held today in just such a place. Other North Koreans I have interviewed ended up being forced to do internet pornography. I brought a witness to today's hearing who can share her own personal story about what happened to her.

I would also like to bring to the Committee's attention a publication by the Committee for Human Rights in North Korea entitled "Lives for Sale: Personal Accounts of Women Fleeing North Korea to China" as an excellent resource on this topic.

The timing of this Congressional hearing is especially important because we now have a new president in China and we hope that President Xi Jinping will reverse this policy. It would resolve this human trafficking issue literally overnight, and it is absolutely in China's best interest to do this for several reasons.

First, China's repatriation policy is not only leading to the trafficking of North Korean women, it is also prolonging the North Korean refugee crisis. China's actions are ensuring that there will always be refugees trying to escape North Korea because it is relieving any pressure on the Kim Jong Eun regime to adopt basic reforms that would create a better life in North Korea so that people will not want to flee. If you talk to any defector, they will tell you that they did not want to risk their lives to leave North Korea, but felt they had no choice. North Koreans are fleeing out of desperation and most want to return to their homeland when conditions improve there. China has long desired that the regime in North Korea would adopt reforms and this would be a way to create pressure to undertake these reforms.

Second, China's future will be much better for its people if it works with South Korea rather than kowtows to the dictator in North Korea. The two countries celebrated the twentieth anniversary of their diplomatic ties last year and enjoy a robust trade relationship which is expected to top \$300 billion annually by 2015. South Korean culture is very popular in China, and many Chinese tourists travel to South Korea. Working with South Korea on this issue will have a positive benefit to their future relationship because it is inevitable that Korea one day will be reunified.

Third, all the remedies for resolving this issue are immediately at hand to ensure no burden on China including the presence of the UNHCR in Beijing; a humanitarian network and a strong commitment from South Korea and the United States to help resettle refugees in their countries. When I first testified on this issue in the United States Senate many years ago I also presented letters of commitment from twelve organizations all vowing to work with China to help them with this refugee situation so that there would be no burden on China.

Finally, as I mentioned earlier the Chinese people are increasingly questioning their government's support for Kim Jong Eun as he continues to provoke and threaten stability in the

region. In fact, Deng Yuwen, editor of *Study Times* which is the journal for the Central Party School of the Communist Party of China, actually wrote an article stating that China should “give up on Pyongyang and press for the reunification of the Korean peninsula.”

The 10th annual North Korea Freedom Week is coming up later this month and in coordination with that event we are organizing a Worldwide North Korean Refugee Awareness Day and calling upon citizens around the world to send petitions to President Xi requesting that China change their policy towards North Korean refugees and work with the UNHCR, South Korea and other nations to peacefully resettle these refugees. I hope that the U.S. Congress will join in this appeal.

This is a perfect opportunity for us to assure China’s new President, we want to work with China to end the trafficking of North Korean women and help resolve this refugee crisis in accordance with international law.

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Mr. SMITH. Mr. Campbell.

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

Mr. CAMPBELL. Mr. Chairman, Ranking Member Bass, thank you for the opportunity to testify today. While I am here representing the International Labor Rights Forum, as a member of the Cotton Campaign I hope to share the collective voice of our members of the Cotton Campaign, which is a global coalition of companies, human rights NGOs, industry organizations, investors, and trade unions coalesced to end the forced labor of children and adults in the cotton sector of Uzbekistan. But more importantly, I hope to share with you as best I can the collective voice of victims of forced labor in Uzbekistan, especially since they cannot be here safely to testify today.

In 2012, the Government of Uzbekistan continued to forcibly mobilize farmers, adults, and children to grow and harvest cotton on a widespread scale. The government sets the production target each spring. This number is then broken down by region, and the district governors are responsible for making sure that the delivery quota is filled, including by using forced mobilization of farmers to meet the share of the government-imposed cotton quota.

The U.S. Embassy has reported that virtually all farms in Uzbekistan are still tied to the state-order system, which means that all cotton is produced under the state-order system of forced labor. Each province and region of Uzbekistan has an established infrastructure, complete with police enforcement, that monitors farms, schools, and mandates teachers and businesses to mobilize children and adults. Once the cotton is ready for harvesting, the children and adults are sent to the fields.

In 2012, authorities enforced cotton production quotas on farmers and forced children as young as 10 years old to help with the harvest under the threat of punishment. Now, while the number of young children appears to have decreased over the 2012 harvest, we saw a troubling increase in the number of older children and adults who were being forced en masse nationwide to pick cotton. And when I say older children, I mean very specifically children who are 15 years old to 18 years old. These aren't adults. And so overall the problem of forced child labor still exists on a widespread scale.

If they refuse to participate, they face expulsion or other forms of coercion. They live under appalling conditions. They lack adequate potable water, food, and hygienic sanitation facilities do not exist, and many were victims of public beatings by government authorities for failing to meet their quotas. 2012, as in previous years, almost all the high schools across the country were closed until the end of the harvest. And as of November, most kids hadn't spent a single day in school.

According to one student, "To avoid cotton harvest, one has to have either power or money. Last year, two students were expelled from the Institute of Agriculture. They did not go and pick cotton. As soon as the studies began, they were expelled for their absence.

After this, how can you not be afraid?" This was a quote from a third-year student at Andijan University.

Another quote: "For the first time in many years, college students from Tashkent were sent to pick cotton. Some 300 students and 18 teachers were sent. Even those exempt from going to the cotton fields due to illness had to pay money."

And this was according to a teacher at Tashkent College of Communications. A college teacher observed, "This year, in order to avoid refusals, the authorities morally prepared parents for a cotton campaign." And on September 2nd—and the cotton season begins in September—college administration and local government representatives held meetings with parents to explain to them that it is their duty to harvest cotton. Parents who tried to protest were asked to write explanatory notes to justify their refusal to send their children to the cotton field, and the government authorities told parents that their explanatory notes would be sent to their places of work so that their superiors could consider their unpatriotic behavior.

Another common threat was to expel the student, and so parents and students both reported that they feared reprisal. High school students were required to fulfill daily quotas. Penalties for poor work included, as I mentioned before, expulsion and verbal and physical abuses. According to one student in Samarkand, "If someone did not come to the fields, the teacher came home and scolded them." The director of the college beat two boys. He "hit them several times in the face." This was a college student. Now, a "college" in Uzbekistan is a high school in the United States as we would understand it.

When 19-year-old Navruz Muysinov tried to return home early, eyewitnesses reported that a police officer stopped him and beat him. After that, the policeman took him to the hospital, where he died. The results of the investigation into the cause of the death of that young man remain unknown.

About one out of every six government employees were forced to pick cotton in 2012, including teachers, doctors, nurses, members of the military, ministry officials, and others. Among teachers, the percentage soared to 60 percent of all teachers were forced to work in the fields. And the mass mobilization of government employees began in September.

Increased adult forced labor, which is the trend we are seeing, has a severe impact on the delivery of vital government services during the harvest.

Medical personnel, who are government employees, who are forced to pick cotton in large numbers, were not at the hospitals and clinics when people needed medical help. Eleven thousand nurses and doctors from Tashkent, the capital, alone were sent to work in the fields. And when one resident from Bukhara, a different city, took her children to the hospital, she said that there were no doctors available.

An estimated 60 percent of school teachers forced to work in the fields required that they combine the classes. So there were 50 to 60 students for those that were able to stay in school in each classroom. And the lessons were either shortened or cancelled.

Private-sector employees from both domestic and multinational corporations were forced to contribute to the cotton harvest either by providing labor or by providing a tax, which is corruption.

For years, the Cotton Campaign has been calling for a Tier III placement for Uzbekistan. It would be consistent with the facts presented by the State Department themselves in the report. According to the State Department's Trafficking in Persons Report, in 2011 Uzbekistan made no advancements in the efforts to eliminate the worst forms of child labor. Excuse me, that is the Department of Labor report.

The U.S. Department of State wrote, "The Uzbekistan Government continued to force children and adults to pick cotton. The government continued to refuse to allow the international labor organization to monitor the cotton harvest, and they continued to deny that forced labor of children in the cotton sector exists in Uzbekistan."

Despite this very accurate statement, the State Department has failed year after year to hold the Government of Uzbekistan accountable under the standards set by this Congress in the Trafficking Victims Protection Act. In 2012, when the State Department decided to prevent Uzbekistan's automatic downgrade to Tier III, which would have required a written plan, that if that had enough support behind it, that it would end the problem, the Government of Uzbekistan had their representative in Washington testifying before the United States Trade Representative steadfastly denying that forced labor even exists or that there is a quota system.

This is the quote from the Ambassador in that hearing: "That is why during Soviet time it was compulsory to pick cotton by children. But today it is not compulsory because 100 percent of the cotton is being produced on farms." And what he means is private farms. The State Department has already identified that virtually all farms are tied to this coercive system.

Again, less than 3 weeks ago, Ambassador Nematov from the Government of Uzbekistan testified at the United States Trade Representative, "There is no compulsory forced labor." Another quote from the Ambassador: "Today cotton is hard currency. If somebody who has an interest to pick up cotton and make money, there is no compulsion. He can go to the farmers, and they will pay. For schoolchildren, it is not compulsory."

These are the statements from the Ambassador to the United States Government. One last one: "No, children do not participate. Farmers invite some companies or some people to help pick cotton, but not children."

Failure to downgrade Uzbekistan to Tier III would reward the Government of Uzbekistan for flagrant disregard of its own national laws and international commitment, and it will guarantee that state-sponsored forced labor of over 1 million children and adults in Uzbekistan would continue this coming fall in the 2013 harvest.

It would also contribute to placing United States companies in a position of increased risk. Companies operating in Uzbekistan continue to succumb to pressure to contribute to the forced labor system. And companies using cotton around the world continue to face

the risk of forced-labor-made cotton from Uzbekistan tainting their supply chains.

Given the continued massive government mobilization of forced labor during the 2012 harvest, the only way the Uzbekistan Government, in our view, could still demonstrate any commitment, even as low as it is, to making significant efforts to combat this form of human trafficking—that is, to drop them—to avoid a drop to Tier III placement—they must invite the International Labor Organization’s high-level, tripartite mission to monitor next fall’s harvest, and they must do so before June.

We hope the members of the committee will join us in pressing this point with senior officials at the State Department, not just the trafficking office—their reports reflect what is happening—but also the Office of the Under Secretary for Civilian Security, Democracy, and Human Rights, and especially the Bureau for South and Central Asia, whose responsibility it is to witness and to ensure that the State Department policy reflects the laws of our country.

Thank you very much.

Mr. SMITH. Mr. Campbell, thank you very much for your very specific recommendations, as well. We will follow up.

[The prepared statement of Mr. Campbell follows:]



International Labor Rights Forum

1634 I NW, Suite 1001, Washington, DC 20006

April 18, 2013

Testimony by Brian Campbell, Director of Policy and Legal Programs

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

Hearing “Tier Rankings in the Fight Against Human Trafficking” and
the government of Uzbekistan

Thank you for the opportunity to provide vital information concerning the government of Uzbekistan. I hope that the information provided herein will support the decision-making process for the Tier placement of Uzbekistan in the 2013 Global Trafficking in Persons Report (J/TIP). I present to you today on behalf of the International Labor Rights Forum, a member of the Cotton Campaign, a global coalition of companies, human rights NGOs, industry associations, investors and trade unions coalesced to end forced labor of children and adults in the cotton sector of Uzbekistan. Our broad multi-stakeholder coalition works in Uzbekistan, the United States, the European Union and member states, plus South Korea and Australia to organize diplomatic and economic pressure on the government of Uzbekistan to meet its commitments to fundamental human rights.

The State Department, Labor Department and the Cotton Campaign are all on the same page. There is FL widespread forced labor in Uzbekistan. In the 2011 Findings on the Worst Forms of Child Labor, released in the fall of 2012, the US Department of Labor wrote,

“In 2011, Uzbekistan made no advancement in efforts to eliminate the worst forms of child labor. Although the Government created an Interagency Working Group to combat child labor, it failed to enforce legislation prohibiting the worst forms of child labor in the production of cotton. Authorities again closed schools and mobilized children to work in the annual autumn cotton harvest to meet Government-mandated harvest quotas.”¹

In the 2012 *Trafficking in Persons Report* on Uzbekistan, the US Department of State wrote,

¹ Department of Labor, United States of America, 2011 *Findings on the Worst Forms of Child Labor*, “Part IV: Country Profiles – Uzbekistan,” page 657.

The Uzbek government continued to force children and adults to pick cotton. As in previous years, the government set a quota for national cotton production and paid farmers artificially low prices for the cotton produced, making it almost impossible for farmers to pay wages that would attract a voluntary workforce. Provincial mayors and governors were held personally responsible for ensuring that the quota was met; they in turn passed along this pressure to local officials, who organized and forced school children, university students, faculty, and other government employees to pick cotton. The government continued to refuse to allow the ILO to monitor the cotton harvest and denied that forced labor of children or adults in the cotton sector exists in Uzbekistan.”²

Despite these well-known facts, the State Department has consistently failed to hold the Government of Uzbekistan to the standard set by Congress in the Trafficking Victims Protection Act. In 2012, for the second consecutive year, the State Department exercised its authority to waive an automatic downgrade of Uzbekistan to Tier 3 for J/TIP, citing a written and funded plan of action from the government of Uzbekistan. Following both J/TIP placements, the Uzbek government continued to implement its forced labor cotton production system, consistently denied the existence of forced labor, and silenced citizen monitors. Neither the government of Uzbekistan nor the State Department made publicly available any written plan of action of the Uzbek government or evidence of its implementation. To the contrary, according to representatives of the US State Department, the mobilization of adults and children continued to be the prevalent practice in Uzbekistan, and the new inter-ministerial committee of the Uzbek government did not accomplish much. The government of Uzbekistan fully ignored the recommendations to take substantive action, prosecute government officials complicit in forced labor of children and adults in the cotton sector, and to allow the International Labour Organization (ILO) to conduct an assessment.

Evidence from the fields year after year indicates that the government of Uzbekistan has not made significant efforts to end forced labor in the cotton sector and intends to continue the practice by communicating a myth of effort and improvement to the US government and all of its governmental and private-sector partners worldwide.

I. Update from the Fall 2012 Cotton Harvest

According to the Uzbek-German Forum, whose conducted interviews and collected facts from 5 administrative areas where cotton production is concentrated. It is a difficult task to monitor instances of abuse in the Uzbek cotton harvest. Reporting the full extent of forced labor in the cotton sector of Uzbekistan continues to be undermined by the government of Uzbekistan’s steadfast opposition to ILO monitoring and severe repression of Uzbek citizens who attempt to document the harvest. The government carefully avoids documentation of the coercive mobilization of adults and children. Students are forbidden from using their phones to photograph the accommodations where they stay, and farms are under surveillance by police. Human rights defenders are regularly harassed for trying to document the situation in the fields, as the documentation below will show. Despite the Uzbek government’s efforts to repress monitoring and reporting on the cotton production system, brave Uzbek citizens ensure that ample

² Department of State, United States of America, *Trafficking in Persons Report, June 2012*, “Uzbekistan (Tier 2 Watch List),” page 368, available at <http://www.state.gov/documents/organization/192598.pdf>, last accessed 21 January 2013.

evidence is documented and distributed each year. The specific instances gathered by the monitors and presented in this report reflect the nationwide, systematic and continuous scope of the serious problem of forced labor in Uzbek cotton production.

A. A Demographic Shift, but No Progress

The 2012 cotton harvest was marked by continued state-sponsored forced labor of children and adults, increased extortion of financial resources by government authorities from citizens, and a shift of the cotton picking burden to older children and more adults.

Likely due in part to international pressure, Uzbek authorities did not send children from all primary schools to pick cotton, as they had done in previous harvests. Yet the government of Uzbekistan continued the state order cotton production system underpinned by forced labor. Nationwide, authorities enforced cotton production quotas on farmers and forced children over age 15, government employees – including teachers, nurses, doctors and others – and private-sector employees to contribute to the cotton harvest, under threat of punishment.

The Uzbek government orchestrated a demographic shift of the burden of the cotton harvest to older children and adults. The authorities tried to present mass mobilization of people to the cotton fields in autumn 2012 as voluntary citizen work, also known as “khashar”. The superficiality of the claim was seen in such actions as ordering citizens to replace signs reading “Cotton-2012” with ones reading “Khashar-2012” on their car windshields.

The government kicked off the 2012 cotton harvest on September 2, and it ended in early November. The reality is that over a million millions of citizens of different occupations, from high-school students to teachers, doctors and employees of multinational enterprises, were coercively mobilized to harvest the cotton that returns income not to their pockets but to those of the authorities.

Observers of the 2012 cotton harvest in Uzbekistan reported several disturbing trends:

- The number of adults forced to work in the cotton fields increased. On average 15 to 20 percent of all government employees - including medical staff and secondary school teachers - were working in the cotton fields at any given time. After two to three weeks, they were replaced by the next group of workers from their respective institutions and offices. Almost all high-school (college, lyceum and institute) teachers were sent to the cotton fields.
- The authorities once again suppressed all attempts to monitor the situation in the cotton fields. Local activists encountered threats and arrest when attempting to document the harvest. Authorities forbade photography and videography. The government of Uzbekistan again refused to allow an International Labour Organization observer mission that the tripartite ILO has recommended for years.
- Extortion of financial and other resources from Uzbek citizens by government authorities increased. Private businesses and joint companies had to pay their “toll” by contributing financial and human resources.

- Citizens had to pay money even if they went to cotton fields, but failed to deliver the required quota. Those who could not go to the fields for various reasons were obliged to pay \$100-150 to their supervisors. Many Cotton pickers were not paid for their work but had to cover their food and accommodation expenses, for which the authorities grossly overcharged them.
- Law enforcement agencies were involved in organizing all stages of the cotton harvest. Police organized people's departure to the cotton fields. State security personnel intimidated those who resisted or refused to participate in cotton harvest, accompanied and guarded the cotton pickers, added an intimidating presence to daily "cotton" meetings with farmers, and patrolled the roads to prevent students from escaping and activists from monitoring the situation in the fields.

The government's propaganda presented the mass participation of people in the cotton harvest as a voluntary contribution of citizens, conscious of their "duty to the motherland." Throughout the harvest, the official state-controlled media pathetically reported on the participation of citizens in the harvest and dutifully left out the government's coercive means of mobilizing them.

"In order to promptly reap the rich harvest of 'white gold' in the fields, thousands of people in Uzbekistan that had nothing to do with agriculture, were involved in helping farmers", the official website Uzinform informed. (www.uzinform.com).

The Uzbek government's coercive enforcement practices for the cotton harvest have been consistently applied and well-documented during the last decades. As a result, the authorities did not experience resistance from the population, who are accustomed to the harvest work. Government officials worked with law enforcement to mobilize citizens en masse. Parents, as has become the norm over so many years, packed food and clothing for their children to work in the cotton fields, often justifying that "they also picked cotton as children" and that the "physical work is useful in any case."

How can one make an educated adult agree to hard and unprofitable work in the cotton fields? Why do University professors, scientists, technicians and doctors not speak up against cotton picking?

The answer lies in the repressive nature of the authoritarian regime in Uzbekistan, which exercises systematic and total control over its citizens. In Uzbekistan, social control and regulation of social behaviour is exercised in different ways. They can be divided into three main groups: political, economic and cultural-educational methods. All three are applied in order to mobilize millions of people in the cotton harvest.

The Uzbek government maintains political power through violence and threats of violence, maintaining constant fear among citizens for their lives and livelihoods, total repression of political opponents, and arrests on fabricated charges of thousands of people for their involvement in "informal religious organizations" so as to sustain the narrative that criticism of state policy is a danger to society. Everybody, from uneducated mardikors (day laborers) to certified physicians, understands and reports that "cotton is politics".

Economic sanctions - job dismissal, loss of salary, expulsion from the University, loss of social benefits - are threatened and applied in all institutions. For a doctor or a teacher, loss of a job can turn into a

personal catastrophe, as the authorities operating the state-controlled economy can ensure that the dismissed never finds another job.

In Uzbekistan, the government has preserved the Soviet system of attaching specialists to their workplaces. In practice, a qualified Uzbek doctor can continue his or her career only within the same institution, state hospital or clinic. Private medicine is tightly controlled through a system of patronage. To open a private medical practice, a physician needs to obtain a state license through a system that will reject anyone considered disloyal.

A similar system governs secondary and high schools, which are fully funded, controlled and corrupted by government authorities. Professional teachers are not considered to be an important part of the learning process and not valued by their university or school. A school administrator's professional career depends primarily on personal loyalty to superiors and only secondarily on demonstrated aptitude.

The state system of social assistance to the poorest population is perceived as public charity due to skillful propaganda, while in practice it enables all kinds of abuse. Citizens who receive the meagre state allowances tend to be elderly, young mothers and, in any case in need. To obtain this social support, recipients are obliged to pick cotton and respond with gratitude.

For the 2012 cotton harvest, the government used propaganda eagerly. To justify "universal khashar", the authorities appealed to traditions that they have distorted and constructed, e.g. "seniors should be respected" and "cotton is the pride of the nation." Duty to the country supposes individual contribution to the cotton harvest. Official media cynically presented the harvest as a battle against the enemy in which personal losses are collateral damage.

Within this framework, the official press publicized information about the mass involvement of high-school students (ages 15-18), and people of all professions in the cotton harvest across the country. Throughout the 2012 harvest, official media ran headline after headline to highlight the work of children and adults in the cotton fields, for example: "Namangan students set records of cotton picking", "Motor transport employees get involved in cotton picking in Khorezm", "Namangan athletes are at cotton khashar", "Contribution of physicians", "20,000 volunteers from Fergana will go to cotton khashar."

B. Continuation of state-sponsored forced child labor, despite a reduction in the closure of primary schools

A significant factor that differentiated the 2012 cotton harvest from previous years was the reduction in state-sponsored forced labor of children under the age of 15. In July, Uzbekistan's Prime Minister issued verbal orders that schoolchildren were not to be sent to pick cotton, a statement that merely reiterated the existing national law that prohibits child labor. Similar statements were issued in previous years, but they were never fulfilled in practice. This year, the statement had an effect: for the first time in many years, the majority of schools for children under age 15 were not closed, and therefore young children were not forced en masse by government authorities to pick cotton. During the harvest, most elementary schools remained open. Unfortunately, sporadic forced labor of children under age 15 occurred, and the state-sponsored forced labor system was fully employed.

1. Forced labor of young children (ages 7-14)

"In our school, children took part in the harvest. First were sent grades 7-9 after school. After some time they did not study, and went to the harvest directly from their houses. In the end, grades 4-5 were also sent (to pick cotton). Until the school holidays children were taken out to the fields." - School teacher, Kashkadarya.

According to official statistics, out of 30 million people in Uzbekistan, more than 10 million are children and adolescents. In July, Uzbekistan's Prime Minister issued orders that schoolchildren were not to be sent to pick cotton, a statement that merely reiterated the existing national law that prohibits child labor. Although in 2012 not all primary and secondary schools were closed for their pupils to pick cotton, dozens of cases of schoolchildren from classes 5-9 (ages 11-15) forced to work in the fields were observed. Government authorities closed schools in at least three regions of the country: Kashkadarya, Samarkand and Andijan.

In many regions, by the end of September schoolchildren were sent to the fields after a few lessons. Starting in early October, directors of rural schools were ordering their teachers to take students along with them to pick cotton. As in previous years, children were told to come to school with food, water and aprons for cotton harvesting.

Younger children worked in the fields without going to studies for up to one month. In the Marhamat district of Andijan region, schoolchildren of 5 to 8 classes (ages 11-14) picked cotton from September 24 to October 10. During the first week they picked cotton after two lessons, and later on during the harvest, the school was closed.

"Our school is located next to the main road, so at first we were told to give at least 1-2 lessons and then get students to the fields. From September 20, children of the 7-9th classes were sent to cotton harvest. After ten days, children of the 5th class and during the last days the second class were sent to the fields." - teacher from Yakkabog area, Kashkadarya

Teachers and students suffered the same situation in the Ishtihan district of Samarkand region. A teacher at a rural school told Radio Ozodlik in an interview that the governor of Ishtihan district, Shukhrat Nematov, called rural school directors and ordered them to mobilize children to the cotton harvest. Beginning September 27, children from the 8th and 9th classes (ages 14-15) were picking cotton.

Ishtihan district schoolchildren worked for three days. Following reports by Radio Ozodlik, they were promptly sent back to school. On September 29, the Ministry of Education published a disclaimer and accused "a range of foreign media" of disseminating false information about sending schoolchildren in Ishtihan district to pick cotton. In a radio interview to Ozodlik, a school teacher said that they were immediately returned to school following the publication and were warned not to tell anyone about their involvement in the cotton harvest.

It is noteworthy that the farmers were also informed about the ban on using schoolchildren and, in some cases, refused to let them work in their cotton fields. Although government authorities had issued statements banning child labor in previous years, they were never fulfilled in practice. A student in Andijan noted the behaviour in 2012: *"There was one problem. Farmers said they will not accept schoolchildren as they might have problems. We went first to one farmer, then to another. Finally we found a farmer, whose field was in the outskirts. He gave us permission to pick cotton. It was either the third or the fourth harvest reap."*

Obviously, this year the government decided to refrain from mass mobilization of schoolchildren to the fields. In early September, the Ministry of Education issued a document that obliged school directors to prevent schoolchildren from harvesting cotton.

Канжадаре вилояти халқ таълими
Бошқармаса бо'лиғи Т.Санога

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атиш бўлимига қаршиси _____ ушумий ўрта таълим мактаби директори Ш.Турсунов
тумолидан

КАФОЛАТ ХАТИ

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Ш.Турсунов

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07-07.1-130-сонли "Республика ушумтаълим мактабларига қушима дарслар, шифда
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белгиланган қарорлардан қелиб қушима

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белгиланган қарорлардан қелиб қушима

Мақам директори _____
2012 йил 1 сентябр

TRANSLATION TO ENGLISH:

To: T. Saidov
 The Head of Kashkadarya Region
 National Education Department

By the director of school #9 which belongs to YAKkabog District department of national educational institutions and their methodical provision, I. -----nov.

Letter of Guarantee

I, the director of school #9 which belongs to YAKkabog District department of national educational institutions and their methodical provision I. Parmanov will fully provide the fulfilment of the Laws of Republic of Uzbekistan on "Guaranteeing Child's Rights", "Urgent measures on Prohibition and Elimination of worst forms of child labour" and Conventions on "Minimum age for employment", the order # 234 of National Education Ministry on providing the fulfilment of tasks identified in the letter of Parliament issued in 23 July, 2012 (01-03/1-131).

In particular, the tasks issued by the Parliament of Republic of Uzbekistan in 31 August, 2012 07-07-01 -130 on "Improving children's education by organising extracurricular lessons and additional classes in secondary schools of the Republic, and to increase moral- educational events and organise other additional events for children to use their free time resourcefully. Taking into consideration all those tasks:

1. Fully provide the classes under approved school curriculum;
2. In order to organise pupils' free time, to establish additional classes for all subjects (subjects, skills, sports, and aesthetic group classes and events)and organise approved curricular activities and in order to achieve this to involve experienced professionals and to effectively use sports sections, computers, study and laboratory rooms, equipment, facilities and library services.;
3. To guarantee children not to get involved in work prohibited for their age (cotton harvesting and other hired labour)and to organise propaganda informational activities among parents, neighbourhoods and wider communities in order to achieve that and provide their active participation.

If I cannot fulfil the above tasks, I agree to take measures up to the termination of work contract (and free me from my post)

School Director _____

5 September, 2012

But even where younger children were not mobilized for the harvest, the state-sponsored mobilization of teachers, parents and older school children continued to negatively affect the learning process. With an estimated 60% of school teachers forced to pick cotton, students received partial lessons for two and a half months.

"The number of classes was reduced. For example, a topic, which requires six lessons, was studied in four. Schoolchildren had to study some topics on their own, as homework. Not everybody does homework; therefore many topics were left unstudied," explained a school teacher from Tashkent region.

Another worrisome trend of the 2012 harvest was increased child labor among rural families. The villagers went to pick cotton with their children in order to earn "real" money, but not from the government-controlled farms and cotton enterprises. This year, villagers could pick and sell cotton to the adults forced to work the harvest, particularly professionals sent from Tashkent, at a price twice that set by the state. Given the entrenched and deepening unemployment and poverty in most of rural Uzbekistan, this proved to be an additional motivation for rural families to bring their children to pick cotton.

A college student reported, *"We stayed in a school in the middle of the village. Local children studied in another school during the second shift. They were even kept at school after the shift to prevent them from picking cotton. Children wanted to pick, because they wanted to help their poor parents earn money.*

2. Forced labor of older children: students of colleges and lyceums (age 15-18)³

"We were taken to the cotton fields on September 14. Usually, they did not send students of lyceums and if [they did], only the third course students. This year, they sent everyone, from the first to the third course. During the cotton harvest, the lyceum was closed. We came back home on October 28." – 2nd-year lyceum student, Andijan

College and lyceum (high-school) students aged 15 to 18 are the main labor force of every cotton harvest. In clear violation of national law and international conventions, they bear the brunt of the burden of the cotton harvest. In its 2013 Report, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) reminded the Uzbek government that persons under 18 years of age are children under the law:

"The Committee previously noted the various legal provisions in Uzbekistan which prohibit forced labour, including article 37 of the Constitution, section 7 of the Labour Code, and section 138 of the Criminal Code. It also noted that section 241 of the Labour Code prohibits the employment of persons under 18 years in hazardous work, and that the "list of occupations with unfavourable working conditions

³ Colleges and lyceums in the education system of Uzbekistan are equivalent of high school in the United States and many European Union member states. Historically, most Uzbek children start college/lyceum at age 16, although increasingly the first year students are age 15. According to national statistics, more than a third of the 560,345 college and lyceum students began at age 15.

in which it is forbidden to employ persons under 18 years of age” prohibited children from watering and gathering cotton by hand.”⁴

To send fewer young schoolchildren to the cotton fields, authorities increased the severity of the burden on the rest of the population, including on older children, ages 15-18. For the first time in many years, students of the academic lyciums, where the most talented children prepare for higher education, were sent to pick cotton. For example, students of the single academic lyceum in Angren were sent to harvest cotton from September 15 until late October.

"At first we were told that our lyceum is the only one in the city and we will not be taken to the cotton harvest. Our parents were asked to pay 70.000 sums [approximately USD\$30] to help other pickers. We stayed. All other colleges left for cotton on September 8. On September 15, we were also sent to the cotton. Surprised parents were told they could pay an additional 300.000 sums [approximately USD\$110] to hire mardikors," - a 15-year-old lyceum student said.

In 2012, as in previous years, almost all lyciums and colleges across the country were closed until the end of the harvest. As of November, most college and lyceum students had not yet spent a single day studying during the academic year, which commences in September.

Whereas adult cotton pickers spent on average two weeks in the fields and were replaced by other employees, these older children lived and worked for more than two months in the fields, from the start to the end of the harvest.

In some regions, these children had to stay working in the fields until November 10, despite the fact that the cotton harvest plan was fulfilled. A college teacher explained that he waited for an authorization from the khokimiyat (local government administration), because he could not unilaterally decide to let the children go home. *"Cotton crop was over. More than 100 students and teachers were in the fields until November 10, as there was no authorization."*

According to the most modest estimates, the number of college and lyceum students (ages 15-18) involved in the cotton harvest was more than half a million people. According to statistics, in September 2012, 560,345 students were enrolled in the first class academic lyciums and colleges.

*"On September 23, cultural and educational activities, fun games, songs and dances were organized for students of the Navoi Teachers College, picking cotton at the Alisher Navoi farm. The Regional Office of Youth Movement "Kamolot" called students to harvest "white gold" in good faith. Every person living in Uzbekistan should contribute to the prosperity of the Motherland."*⁵

Government authorities' blatant disregard for the rights of the children and students was displayed by state media and public acknowledgment of the children's work in the cotton harvest. During the harvest,

⁴ Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Uzbekistan, 2013, page 406.

⁵ Uzinform, "Долг перед Родиной," 25 September 2012, available at <http://www.uzinform.com/ru/news/20120925/15373.html>, last accessed 8 April 2013.

"cultural evenings" were organized for college students, and those who picked the most cotton received diplomas as "the best pickers." The cotton harvest administration in some regions also granted honorary titles of the "most active University" (Samarkand State University and Samarkand Agricultural Institute), "most active college" (Samarkand pedagogical and Ishtihan medical colleges), "most active student" (N.Safarova, H.Urunova, M. Fayzullaeva) and "most active family" (Shodiev family in Kattakurgan district).⁶

Behind the official media propaganda was forced labor, extortion, threats and beatings of those who could not fulfil the established individual harvesting quotas. Children ages 15 and older and adults were forced en masse to work the harvest without the right to refuse, subjected to humiliation, punishment and living in squalid conditions.

"To avoid cotton harvest one has to have either power or the money. Last year, two students were expelled from the Institute of Agriculture. They did not go to pick cotton. As soon as the studies began, they were expelled for absence. After this how can you not be afraid?" - 3rd year student of Andijan University.

One of the distinctive features of the 2012 cotton campaign was that the government made citizens bear significant costs of the cotton harvest. The system of shifting financial and human costs to the population was very simply. For example, local government authorities gave a distribution list (number of people) and a plan (amount of cotton to contribute) to academic lyceums and colleges. In many cases, the majority of parents were ready to "buy off" their children's freedom from the cotton harvest by paying \$100-150 to the college or lyceum management. The school management claimed that the money would be used by the college to hire cotton pickers or buy the required amount of cotton.

"One had to pay 30,000 sum a day in order to stay [home]. We only have wealthy students, everyone could pay. Yet, it could come out: therefore only 10 students did not go to cotton harvest. Others went by their own cars, bought cotton from the locals and had fun playing cards. All our students "fulfilled" the norm, buying cotton from local residents at a price of 250 sums per kg. " - A college teacher from Tashkent said.

Some schools asked parents to buy additional food for the students, picking cotton. A college student from Angren observed,

"In the middle of the season, teachers went to students' houses and asked their parents to buy food so that their children in the fields could eat normally. For the first time in many years college students from Tashkent were sent to pick cotton. Some 300 students and 18 teachers from the Tashkent College of Communications were taken to the cotton fields in Jizzakh region. The college was closed from September 18 to October 20, but the studies began only in November. About 100 college students did not go, having paid 300,000 sums. Even those exempt from going to cotton fields due to illness, paid 150,000 sums." - Teacher, Tashkent College of Communications.

⁶ UZINFORM, "Победители очередного пятидневного сбора урожая," 8 October 2012, available at http://www.slogada.com/News/2012/10/08/pobediteli_ocherednogo_pvatidnevnogo_sbora_urozhaya, last accessed 8 April 2013.

Few signs of the harvest appeared in colleges, lycuems and universities. Administrators refrained from placing signs reading "All gone for cotton," which were a common sight during previous harvests. A bus driver, who took students to the fields, was ordered to remove from the bus window a sign reading "Cotton-2012". An officer of the cotton staff under the khokimiyat said, "*Correspondents, who walk around, make sure to photograph this sign.*"

A college teacher observed, "*This year in order to avoid refusals, the authorities morally prepared parents for a cotton campaign.*" Starting on September 2, college administration and khokimiyat representatives held meetings with parents and explained that the cotton harvest is the "duty to the country".

When persuasion did not work, they turned to threats. Parents who tried to protest were asked to write "explanatory notes" to justify their refusal to send children to cotton. Government authorities told parents that their "explanatory notes" would be sent to their places of work, so that their superiors could consider their unpatriotic position. Another other common threat was to expel the student. During the 2012 harvest, although no cases of expulsion of students for not picking cotton were reported, parents and students alike reported that they feared such reprisal and therefore preferred not to argue with the authorities. Psychological pressure on students and parents is so high that no mass refusals to go to cotton fields were observed.

Mandatory participation of every citizen in the cotton campaign is deeply rooted in people's minds, and is supported by the confidence that it is impossible to assert one's rights.

"I want to study hard and become a doctor. I went to pick cotton because there was no other choice. I wear glasses, my eyesight is "-4". My eyes hurt very much when I have to bend too often. Despite that, I was not exempt from the cotton campaign. I addressed the medical commission twice, but they rejected." - 2nd year State University student, Andijan.

The forced labor cotton harvest system affects the learning process and education level of the next generation, a strikingly clear impact of the 2012 harvest in particular. High school and university students had no access to education during the harvest. The school year in colleges and lycuems started in November. Yet, the time taken to pick cotton is not reflected in the formal documentation. Teachers are required to leave false documentation of subjects covered that were not actually covered, and to assess the students on them. Often, grades depend on how well students picked cotton.

In this context, the story of a 20-year-old man, working as a mardikor (day laborer) at the Tashkent market, is noteworthy. "*I graduated from an accounting college. In fact, we did not study and do not know anything. In autumn, we were sent to pick cotton, in spring to its weeding, besides that to constant "subbotniks" [obligatory participation in public works]. Instead of studying, we swept streets and planted trees.*"

The college and lycuem students were required to fulfil daily quotas of cotton. Penalties for poor work included threats of expulsion and also physical and verbal abuses. Even beatings were commonplace.

Teachers beat boys - college students under 18 years. According to a student from Samarkand, the boys, who failed to fulfil their quotas had to get up earlier than others and jog around the field. *"If someone did not come to the fields, the teacher came home and scolded them. The quota was 60 kg, then 50 and 25kg at the end. The director of the college is bad. He beat two boys, hit them several times in the face."* - A college student from Samarkand region.

Parents who visited their children in the cotton fields often tried to take them home, but could do so only after paying the teacher for the remaining days. To go home, one needed to pay 15.000 sums per day, a college student from Tashkent said.

"We were taken to fields far away from the big roads. Only adult pickers worked near the roads. One had to let others know when noticing human rights defenders or foreigners making photos in the fields. We were also supposed to tell that we worked out of own goodwill. Those, who could not fulfill the quota, had to pick cotton until night or buy it from the locals. They even refused to give food to those, who didn't fulfill the quota. The teacher hit one of our fellow students in the face, his nose was bleeding and his head ached for a long time. Then his father came and took him home." College student, Samarkand

To deter students from leaving, police guarded the roads to the cotton fields. The mother of a college student in Samarkand explained, *"I paid a teacher 170,000 sums in order to take my daughter back home. On the way we were stopped by police. They were guarding the exit from the village. I told them I am taking my daughter for a few days and will bring her back. The policemen saw the mattress and belongings and forced us to go back and leave her things."*

At the height of the cotton campaign, on October 6, the death of 19-year-old Navruz Muysinov, became known, which raises many questions. Radio Ozodlik reported that the cotton picker decided to return home early and was stopped by police on his way. According to the Ozodlik's source, an alleged eyewitness of the incident, the young man and a police officer had a quarrel. Navruz was beaten. After that, the police took him to the hospital, where he died. The results of the investigation into the cause of death of the young man remain unknown.

Each year, Uzbek human rights activists report deaths in the cotton fields. In 2012, they reported seven deaths - the highest number in any years, including several college students. In addition to Navruz, among the additional tragic deaths were Igor Yachkevskiy, 55-year old resident of Tashkent city, who died of a heart attack while picking cotton in Okkurgon district, Tashkent region on September 17; Aziz Bakhtiyorov, 18, a second year student of Jizzakh Arts College, who died of heart attack in the cotton fields on September 30; and Umid, a third year student of the Bukhara Engineering Institute of High Technologies, who was hit by tractor on his way from the field after dark on October 22.

The authorities never properly investigated these cases and did not disclose any information concerning suspicious deaths during the cotton campaign.

Living conditions were often so severe that parents preferred to "buy their children out". However, "buyout" was not always possible. *"Our college has 700 students"*, said D., 16 years old, from Angren. *"College was closed and all were sent to cotton on September 8. At first I refused to go, but then the*

district policeman and the college director came to see my parents. On September 10, my father took me to the field himself."

"Those, willing to pay 300.000 sums, could stay. But if everybody pays, nobody will go to the fields. Therefore, they did not take money from everybody. My father was willing to pay, but was told that I would have to go. He gave me 100.000 sums as pocket money, came to see me twice. In the end the costs were the same. On the top of that, I suffered in the field."

Even though mass mobilization of students has taken place for many years, in many cases accommodation for cotton pickers and their living conditions are still absolutely unacceptable. *"We lived in the cattle yard,"* says a student of the Samarkand Institute, *"In winter they keep sheep there. Before our arrival they whitewashed the walls and fixed the door. We, 40 boys, were accommodated in this place. Girls settled among local residents."* *"There are no conditions",* said a college student from Angren. *"Imagine, 250 people are waking up in the morning, all of them need to wash, whereas there are only five wash bowls. It was impossible to bath, so we had to pay local people to do so at their houses."*

C. Intensified forced labor of adults

During the 2012 cotton harvest, the government shifted a significant share of the burden of the cotton harvest to citizens over the age of 18, by forcing greater numbers of university students, government employees – including teachers, doctors and nurses, private sector businessmen, transportation drivers, and low-income residents to contribute to the harvest, under threats to their livelihoods.

1. University students

"Today, students of the history faculty of the Ferghana State University actively help the farmers in the cotton fields of "Kizitepa" area in Altiarik district of Ferghana region. By now, they have picked more than 120 tons of raw cotton." – reported by Uzinform, Fergana region, October 9

"More than 5,000 tons of cotton over a labor semester was picked by students of the Namangan University, working in the "Gulbog", "Amir Temur", "Isuklol" farms in Mingbulak district of Namangan region. Many of them went over the quota and set up working records," - reported by Uzinform on October 21, 2012.

According to our records this year more university students were involved in cotton harvesting than in previous years. Last year, a few universities have been sent to the cotton harvest, but this year it seemed that almost all the universities had to send their students. First time for in many years many colleges from Tashkent sent their students to pick cotton.

The school year for students at universities across the country started off with the cotton harvest. Participation of university students in the cotton campaign is obligatory -- refusal to participate may result in expulsion from the university. Students were told in the form of an ultimatum, *"Those who do not go to the cotton will be expelled."* None of the surveyed students and parents doubted that this would be the case.

The state system of forced labor in the cotton harvest requires a harsh reaction from university management to students' refusals to go to the fields. Otherwise, next year the number of students, refusing to go may increase. *"Last year, the students, who did not go to cotton harvest, could not pass the winter session exams. Teachers did not give them grades. Who needs such problems in studies? It's better to go to the cotton harvest,"* explained a student of Andijan State University.

A student of the Tashkent Institute of Irrigation and Reclamation noted, *"We participate in the cotton harvest every year, because agriculture is our specialization. They call it an "internship." In reality, we just pick cotton. Instead of gaining practical knowledge and conducting experiments in the fields, we are being used as cotton pickers."*

Scientific activity is not accepted as a reason to be exempted from field work. Masters students were also sent to pick cotton. *"First and second year Masters students were sent to pick cotton from September 20 to October 23,"* reported a Masters student of the Tashkent University of National Economy. *"We were told not to make photos with mobile phones. We were supposed to report to the headquarters when seeing someone, making photos. They were afraid of foreign correspondents."*

Exemption from cotton harvest could be bought. One could hire mardikors among local people, who would pick cotton. Many wealthy students from Tashkent universities did so.

The following is an extract from a letter by a Masters student of the Uzbek State University of World Languages:

"From September 3, we are in the cotton fields of "Navbahor" farm in Pakhtakor district of Jizzakh region. Our living conditions are miserable. We have no beds, no normal food and no potable water. In each of the rooms of the local kindergarten, adapted in haste, 20 cotton pickers stay. Very few have folding beds. Most of us sleep on the dirty and cold floor. We have to wake up at 5:00 am. It's very cold at this hour. We quickly drink boiled water and eat "what God sends", and then have to rush to the field. We work until 7:00 pm. We must pick at least 50 kg of cotton a day. Our guards threaten us with expulsion from the university if we fail to fulfill the norm."

2. Government employees: including teachers, doctors, nurses and military servicemen

"On the initiative of the Ferghana region khokimiyat, a group of medical workers actively assisting in the cotton harvest were given valuable gifts, credentials and premiums worth over 120 million sums." - Fergana region, on October 19. Uzinform.

This state media outlet's vague statement reflects an increasingly worrisome trend. In recent years, the Uzbek government has coercively mobilized citizens to conduct hard labor more frequently without providing any additional payment. This phenomenon is widespread, systematic, and a violation of the government's national and international commitments concerning forced labor. Increasingly, the state-sponsored forced labor is not limited to the cotton harvest. By means of propaganda – phrases such as "subbotnik", "khashar", "voluntary

help to villagers" are common refrains – the government forces citizens to perform heavy unskilled work, often unrelated to their profession.

Students sweep streets and help in the construction. Teachers visit houses and collect payments for gas and electricity. Lyceum teachers go to Internet cafes to "protect" children from extremism and the harmful influence of "enemy websites". Doctors clean streets and plant trees. This state-sponsored, coercive mobilization of citizens for "community work" reaches its climax during the cotton campaign.

In autumn 2012, the government-orchestrated demographic shift of the cotton harvest burden to older children and adults resulted in an additional effort by the authorities to mobilize people who, unlike schoolchildren, are more likely to disobey unless the stakes are high enough. This "cotton burden" applied to all employees of the state and private sector, the unemployed, and low-income mahalla residents. All of them had to pick cotton under threats of dismissal, non-payment of wages or the cutting off of social benefits.

This year, the government escalated pressure on the adult population to such a degree that some adults began to express regret that more younger schoolchildren were not sent to pick the cotton.

According to our data, in autumn 2012 at least one in every six employee of all public organizations picked cotton. The Uzbek government mobilized military personnel and teachers of colleges and universities in the greatest numbers.

About 60% of teachers in rural schools were sent to work in the fields. Mass mobilization of public sector employees started on September 3. Each organization was obliged to send a certain number of employees. The administration of each organization planned out 2-3-week shifts of employees to pick cotton. Upon return of one group from the field, the administration sent a second group until the organization fulfilled the quota, assigned by the regional authorities.

Depending on the region, the daily cotton quota for adults amounted to 60 to 80 kg. Working conditions were harsh. The working day started at 4:30am and lasted for 10-12 hours. If a cotton-picker failed to pick the set quota, he or she had to buy the missing kilograms from local residents – typically day laborers ("mardikors").

Mardikors also picked cotton on their own initiative, but they were employed not by farms but by government employees. Hiring a cotton picker presented a lower cost alternative to picking cotton for most government employees. Generally, people paid mardikors \$100-150 for two weeks of work.

"Many people sent mardikors in their own place. It is easier to pay mardikors. Costs are higher if you go yourself. If one gets sick, a lot of money will have to be paid for medicine. On top of it, one has to live away from his family and children." - A mahalla resident from Tashkent region explained.

As a rule, government organizations hired mardikors to fulfill a double quota, as each was hired in place of two people. During the cotton season, many unemployed people could have done such work as cotton pickers, but did not. A young man from Tashkent, who was hired to pick cotton instead of two people explained why:

"I had to collect at least 120 kg a day. It was unbearably hard work, and food was very poor. If I worked in a different place that hard, I could have earned twice as much. Besides, I got sick and had to pay a lot for medicine."

"I was saving money and in the end earned 600,000 sums during 15 days. Out of those, I spent 100,000 sums on food and accommodation. I brought 500,000 sums home. But I caught cold in the field and had to buy medicine for 150,000 sums," reported another young man, who picked cotton 10-11 hours each day in place of two nurses.

The daily quota was obligatory. Therefore one had to buy missing kilograms from local residents at twice the state price. This way, local residents could earn extra money by selling cotton to pickers. When a government employee failed to fulfill the quota and did not have the means to buy the missing cotton, money was deducted from his or her salary at a higher price.

Some large government organizations also collected money from employees who did not go to the field due to serious illness or because they had small children. This money was used to pay for missing kilograms. Employees of smaller organizations could not rely on such "solidarity." They had to pay the difference between the picked and missing kilograms.

3. Private Sector: Domestic and Multinational Companies

For the 2012 cotton harvest, the Uzbek government also mobilized private sector resources. Following orders from district administrative offices, mahalla committees imposed a "tribute" on private trade and service businesses.

In July, local government authorities instructed private businesses to contribute to the cotton campaign by providing labor, financial or in-kind support. According to the official version, the call was made on a voluntary basis, but in reality it was accompanied by threats to tax all businesses that failed to provide support.

A 29-year-old resident of Angren, working as a waitress in a private cafe, said in an interview, "On September 16, the chairman of the mahalla committee came and asked our director to send a few people to pick cotton. Our director offered to pay 300,000 sums for each of them, but the chairman said that a few people would still have to go to the cotton fields and work for 10 days. I was forced to pick cotton for two weeks. There was no alternative as I could be fired. Those colleagues, for whom our director paid 300,000 sums, had to work the money off."

The banking sector, under strict control by the government, also was severely impacted. Throughout the cotton harvest, the banks had to divert all cash to transactions supporting the harvest. Depositors could not withdraw their money. Public and private employees in various sectors did not receive their salary. Banks reserved cash only for pensions and child-care allowances. The Uzbek Central Bank directed cash resources

to regional bank branches for the cotton harvest.⁷ Furthermore, banks limited access to cash; as a bank employee explained, "We have been offered to choose between receiving payment on our plastic cards and waiting for the end of cotton harvesting when the bank will have cash."

4. Mahalla committee members

"In the "Nikhol" farm in Andijan region, women's groups pick on average 50-60 kilograms of "white gold" a day. 1,327 record-setting women are working in these groups, most of them mahalla counselors and members of self-government." – reported by Uzinform, Andijan region, October

Mahalla committees (citizen self-government bodies) are traditionally involved in each cotton harvest. They represent the lowest level of state control. The mahalla committees are responsible for distributing government welfare benefits to low-income citizens. During the cotton harvest, the mahalla committees' task is to mobilize unemployed people, most of them social welfare beneficiaries, to work in the cotton fields. The khokimiyats order the mahalla committees to organize residents and to arrange their departure to the cotton fields.

Although often described as voluntary labor, their participation is actually forced, based as it is on coercion, including threats to their livelihood. Sadly, this means that many mahalla committees denied social welfare benefits – including stipends for the elderly and young mothers – to low-income citizens who refused to pick cotton. In mid-September, human rights defender Uktam Pardaev reported that the mahalla committees in Jizzakh area cut child benefits to mothers, who did not want to pick cotton. As a result of his reporting, Pardaev was arrested on September 30 for 15 days on charges of hooliganism. Another resident of Jizzakh region reported that the local administration cut off the electricity in the houses of women, who refused to pick cotton.

"Mahalla committees, local police, women's committees and an electrician came to cut the electricity off in retaliation to women, who refused to go to the fields. They send everybody, who receives social benefits, to the cotton fields. If they refuse to go, they come and cut off the electricity." - Jasurbek, resident of Pakhtakor district in Jizzakh region.

Mahalla residents who participate are typically low-income citizens seeking additional income, and nearly all women, because many of the men in rural areas have migrated to Russia or elsewhere in search of employment. In 2012, as the government intensified its mobilization of adult labor for the cotton harvest, the message among mahalla communities was that no healthy adult could be exempt from picking cotton.

"Those, who needed money from the mahalla had to go to the cotton harvest," explained one mahalla committee member. Starting in early September, mahalla committee leaders visited homes and informed residents that social welfare beneficiaries would have to pick cotton.

⁷ "Cotton harvesting leaves Uzbek banks without cash," *UzNews*, 8 September 2012, available at http://www.uznews.net/news_single.php?lng=en&cid=2&nid=20732, last accessed 12 April 2013.

"If they fail to pick their own cotton, why plant so much? After all, there is no benefit in it for me. We are forced to collect 150 kg. If you want to buy cotton in the market, it costs up to 2,000 sums. Let it be picked by those, who profit. Why us?" - Young woman, resident of Andijan mahalla complained in her interview.

A member of the mahalla committee from Tashkent said, they were ordered to send 80 people to the cotton harvest. If there were not enough mahalla residents, they were supposed to hire people "from outside."

During the 2012 harvest, mahalla committees arranged for people to travel to the fields during the weekends. People often had to stay in the field for days due to a lack of transport. *"People were told they are being taken to the fields only for one day, but there were no buses back at night. Those, who had money, went home on their own. Others had to stay with the villagers, pay for their bed, and keep picking cotton."*

Citizens, including those mobilized by mahalla committees, who picked cotton for one or only a few days received no payment. A mahalla chairman claimed that the money earned by pickers barely covered food and transportation costs.

Women with small children could send someone in their place or pay the mahalla committee to hire a cotton picker. Fear of losing welfare benefits is a powerful lever of influence. *"Who would dare to argue with them? If someone demands his rights, they will cut child benefits. Mahalla employees find thousands of ways of cutting benefits. They say that the limit is over, or someone is working in their household so they are not eligible anymore or that there is no money for them."*

Apart from cutting off social welfare payments, the authorities also used other means of coercing citizens, particularly those with low-incomes, to participate in the cotton harvest. In some parts of the country, anyone who picked more than 100 kg of cotton a day received a bottle of cottonseed oil. In such areas, women went to the fields together with relatives and often with children in order to collect 100 kg and receive the free oil.

More cynically, people on the mahalla surveillance lists for "participation in religious extremist groups," had to go to the cotton harvest because they needed a positive status report from the mahalla committee to avoid being jailed.

A young man from a poor family who washed cars to earn money reported that he was suspected of being too religious and therefore put on the police list of potential "religious extremists." The mahalla committee "bailed him out", on the condition that he go pick cotton. The mahalla chairman and the local policeman took care to remind him of his need for a positive report to stay out of jail.

Employees of mahalla committees themselves were also involved in the cotton harvest. Officially, their contribution was called "voluntary", but in reality they were forced to work under threat of having their wages cut.

D. Unique State-Sponsored forced labor: the role of the government in the cotton sector of Uzbekistan

1. Cotton farmers in the government-controlled cotton industry

"If we ourselves could sell it on the world market at a reasonable price it would be a profitable plant. But all the profit goes to the government and we are left with a loss. Moreover, it absorbs all the power of the earth and fills it up with chemicals. We lose. For instance, we have grown 185 tons of wheat in arable farming. We overdid the quota. Wheat from 10 hectares of land was left for us. We had some profit as well. If we planted on all the lands wheat instead of cotton, we could have a huge profit. And if we planted fruits and vegetables, that would be even better. Crops and cotton are politics. We are obliged to grow it." - Holdor, Uzbek farmer⁸

In 2012, 3.35 million tons of cotton was harvested, according to President Karimov.⁹ The government of Uzbekistan takes in an estimated USD \$1 billion each year from cotton sales, primarily to international markets. Cotton income in Uzbekistan benefits the political elite and leaves farmers plagued with debt and, increasingly, migrating to sustain their families.

This year, the government of Uzbekistan continued to subjugate farmers, forcing them to work the government's land and provide this source of income, which is under the complete control of the authorities. The government's mass mobilization of forced labor to harvest cotton maximizes the margin of return through the use of essentially free labor.

*"If we failed, our land would be confiscated. In the end, we had to cover the shortage with money anyway. As I mentioned, if we fail to fulfill the quota our land will be handed over to others. This is in addition to constant scolding, threatening with detention. They are able even to put you in jail. Prosecutors are present in the fields from the beginning to the end of the harvest. They can miss the criminal but they are granted full authority over farmers."*¹⁰ - Furqar, Uzbek farmer, November 2012

Uzbek farmers do not own their land. The government owns the land and contracts with farmers to deliver cotton and wheat. A farmer who does not deliver the assigned quota of cotton risks losing his livelihood, his land.

Uzbekistan has slightly more land area than California and Sweden and slightly less than Iraq, but only 10% of Uzbekistan's land is arable. The "dekhan" (small family farm) farm was the traditional organization of Uzbek agriculture. Under the Soviet Union, dekhan farms were merged and converted into state-owned and operated "kolkhoz" (collective farms) and "sovhozy" (state farms). Following independence, in 1990 Uzbekistan had approximately 940 kolkhozy and 1,108 sovhozy. During the first decade of independence, the government passed at least 55 laws, decrees and resolutions. With one of the first so-called "privatization" reforms, the government abolished state farms in order to remove the burden of paying the large state agricultural workforce.¹¹ They introduced leasing, made farming families responsible for field work, and

⁸ Farmer, interviewed by Uzbek-German Forum for Human Rights, 22 November 2012, Tashkent, Urta Chirchiq District.

⁹ "Uzbekistan harvests 3.35mn tons of cotton this season" *Fibre2Fashion*, 23 October 2012, available at http://www.fibre2fashion.com/news/textile-news/newsdetails.aspx?news_id=117221, last accessed 4 March 2013.

¹⁰ Farmer, interviewed by Uzbek-German Forum for Human Rights, 26 November 2012, Tashkent region, Buka District.

¹¹ Kandiyoti, Deniz, "Agrarian Reform, Gender and Land Rights in Uzbekistan," United Nations Research Institute for Social Development, Social Policy and Development Programme Paper Number 11, June 2002, page 11.

established the administrative role of the kolkhoz. The kolkhoz administration thereby contracted households for farming to meet the state procurement order. Subsequent regulations placed restrictions on small-holding farms and resulted in a consolidation of land and concentration of decision-making in the regional and district-level government authorities. A 1998 law established a farmer's certification requirement, outwardly intended to ensure adequate agricultural knowledge; in practice, the law transferred more control over land rights and usage to the kolkhoz administration and district-level hokims.¹² In 2000, regional hokims gained control over input markets.¹³ In 2008, a law ostensibly aimed at increasing efficiencies of scale resulted in the consolidation of farms into larger plots under the control of regional hokims.¹⁴

"Nowadays they take their lands away. Or they divide the land into small pieces and give it away to others. By law farmers should be fined up to 25 percent of the outstanding cotton they couldn't fulfill. But they are even going to the extent when they beat and insult farmers and force them to write resignations. That way they are forcing people to give up their lands. Some farmers' lands are divided into small pieces and left it to them. For example, those who have 140-150 hectares only get 30-40 or 60 hectares and the rest is divided to others. This year in Shahrizabz more than twenty farmers' land was reduced." - Rahmonberdi, Uzbek farmer, November 2012

Uzbek farmers sign agreements with the government that establish a lease of the land for 40-60 years on average, specify the percentage of land on which cotton is to be grown, and define the annual cotton production quota. The regional hokim assigns land to farmers and establishes quotas for each farm, according to expected yield assessments conducted by the governmental agricultural agency *Uzpxatasanoat*. For the 2012 harvest, the percentage of each farm's land dedicated to cotton tended to be around 50% and varied across a range between one-third of the farm and two-thirds.¹⁵ Many contracts also required another percentage of the farm land to be dedicated to wheat production, for which the harvest is mechanized and typically completed in May. On the remainder of the land, the farmer can grow crops of his choosing, although in some regions the farmer reportedly needs permission from the regional hokim to grow crops other than cotton and wheat.

The government of Uzbekistan often claims that farmers are free to choose the crops that they plant. For example, during a hearing on Uzbekistan's Generalized System of Preferences (GSP) for trade with the United States, the Ambassador of Uzbekistan to the U.S. responded to a U.S. official's question from on whether Uzbek farmers are free to plant the crops they choose, stating, *"My two brothers are also farmers, and they want to sell what they want. They're free."*¹⁶

Government documents tell a different story for farmers who are not related to senior government officials. For example, in the letter below, the Djizzakh Region Prosecutor's Office confirms the opening of a criminal

¹² *Ibid.*

¹³ Resident of Bukhara 2, anonymous for personal security. Personal Interview by Matthew Fischer-Daly, 26 September 2012.

¹⁴ *Ibid.*

¹⁵ Personal interviews with farmers, anonymous for personal security, by Uzbek-German Forum for Human Rights, November 2012.

¹⁶ Executive Office of the President, Office of the U.S. Trade Representative, *Public Hearing for U.S. Generalized System of Preferences (GSP): 2011 Annual Review of Country Practices*, January 25, 2012, Washington DC.

case concerning farmers who planted vegetables instead of cotton and requests security support from the District Head of the Police.

Translation: See Annex 1 for original text

The Republic Of Uzbekistan District Prosecutor's Office Djizzakh Region Prosecutor's Office	The Head of the Police Zarbdor To: Major A. Begmatov
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Criminal case opened by Djizzakh Region Prosecutor's Office against authorities of Rural Water Management and Land Resources and State Land Survey is being investigated.

During investigation, it has been identified that farmers who have been working in Zarbdor district were growing vegetables and other types of plants in the lands spared for cotton plants and was taken over by government to cover the damage made by these farmers.

Based on the information provided above, we ask you to provide with security measures to prevent those vegetables and other farming plants detailed on the attached list owned or taken by the heads of farms or workers.

Enclosed: 8 pages of list

Djizzakh Region Prosecutor's Office
The head of Criminal Investigation Department
Junior Justice Advisor

H. H Goziev

The khokimiyat delivers quotas to farmers each year after receiving its own orders from the central government. Farmers have to meet their state-ordered cotton production quotas in order to retain their use of the land, and therefore their livelihood. If a farmer fails to produce his assigned quota of cotton production, the regional hokim will "replace" him, *i.e.* assign the land to another farmer. Although it is illegal to sell cotton to anyone but the government-owned purchasing companies, farmers who surpass their quotas reportedly sell cotton to farmers who fail to meet theirs. During the harvest, regional hokims oversee production rates closely. In the Jizzak and surrounding regions, regional hokims are known to convene daily meetings to receive reports from all the farmers in his region.¹⁷ At these meetings, the regional hokims verbally and physically abuse farmers who are under-producing.¹⁸ The hokims' behavior naturally varies

¹⁷ Farmer, Jizzak region, anonymous for personal safety. Personal Interview by Matthew Fischer-Daly, 25 September 2012.

¹⁸ *Id.*

according to their respective demeanors, and they are reportedly kinder to women farmers.¹⁹ In 2012, farmers strove to fulfill quotas of 30 centners (3,000kg) on average, and by any means necessary.

“If we fail to fulfill the quota, the farm will be transferred to another owner. Now there are various tricks used in statistics. There appeared something like “precedence technology”. It was said to be introduced by the hokim of Bukhara, Samoydin Husanov, to please the president. According to his plan, he makes all the farmers hand over all the cotton as if it was the yield of one single district, which makes that district the first to fulfill the quota. As a result, both hokim and the district would be awarded by the president with appreciation medal and he would become a national hero. Later, all the cotton is distributed back to farmers as if nothing happened. Our locals liked the idea as well. They made out of me a leader farmer, they published an article about me in the newspaper Tashpravda. The trick was that all the cotton of the farmers was handed over as only mine, as if I overdid the quota up to 110 %. Later, we were picking the cotton until November and to cover up the shortage just bought some more cotton.” - Holdor, Uzbek Farmer, November 2012

Even if a farmer fulfills the cotton production quota 100%, he or she breaks even at best, and in many cases winds up indebted. “Even when I delivered 118%, I came out with 2 million [sum] of loss,” reported a farmer in Shahrisabz district. Costs of production, a low purchase price fixed by the central government, and inadequate financing drive farmers into debt or migration.

Inputs for growing cotton are provided by organizations with various official levels of state control: Uzhimprom for agrochemicals, Uzckenergo for fuel, Uzneftprodukt for petrol, Uzagromashservis for mechanical equipment, and Agrobank, formerly known as Paxtabank (paxta means cotton in Uzbek) for credit. As an example of the minimum inputs needed, farmers estimated that growing cotton on one hectare of land requires at least 230 kilogram of fuel, 500-600 kg of fertilizers, and 200 kg of defoliants. In practice, the banks are often late providing credit to farmers, who therefore wind up having to cover significant out-of-pocket expenses in order to obtain inputs in time to begin the production process.²⁰ The only option is to leave, and rural residents increasingly join the estimated 27% of the population of Uzbekistan that has emigrated, primarily to Russia and Kazakhstan.²¹

¹⁹ *Id.*

²⁰ Resident of Bukhara 2, anonymous for personal security. Personal Interview by Matthew Fischer-Daly, 26 September 2012.

²¹ International Organization for Migration, “Kazakhstan: Overview,” available at: <http://www.iom.int/cms/en/sites/iom/home/where-we-work/europa/south-eastern-europe-eastern-eur/kazakhstan.html>, last accessed 5 March 2013.

ПАХТА ХОМ-АШЁСИННИГ ХАРИД НАРХЛАРИ (O'z.DSI 615: 1994)

1 тоннага сумларга

Пахта хом-ашёсининг даражаси	Пахта хом-ашёсининг синдишлари	Пахта хом-ашёсининг тилгалари/синдираси									
		Учин тоғали пахта ишалари					Урта тоғали пахта ишалари				
		18	16	1	2	3	4	5	6	33	
	43	42	41	40	39-38	37-36	35	34	33		
I	1	1 428 720	1 306 010	1 244 830	1 095 600	696 460	886 830	878 520	695 120	654 600	
	2	1 392 180	1 272 580	1 212 800	1 067 600	665 110	865 780	854 080	642 880	632 730	
	3	1 113 990	1 018 310	970 470	854 280	772 270	692 790	663 430	674 640	668 540	
II	1	1 305 900	1 193 790	1 137 710	1 001 510	605 380	812 380	801 204	790 790	781 170	
	2	1 187 570	1 094 710	1 043 280	918 380	830 220	744 770	734 700	725 150	718 340	
	3	1 100 930	1 006 370	959 080	844 270	763 220	684 670	675 420	666 640	668 630	
III	1	1 144 020	1 045 780	986 630	877 320	793 100	711 470	701 880	692 730	684 310	
	2	1 017 350	926 870	886 280	780 170	705 280	632 690	624 140	616 020	608 530	
	3	719 580	657 780	626 880	551 830	498 850	447 910	441 460	435 720	430 430	
IV	1	651 490	778 350	741 790	652 990	590 300	629 540	622 330	616 580	609 530	
	2	660 820	604 080	575 680	508 760	458 110	410 960	405 410	400 140	396 270	
	3	505 410	462 000	440 290	387 580	350 380	314 310	310 070	308 040	302 310	
V	3	353 920	323 820	308 320	271 410	245 350	220 100	217 130	214 300	211 700	

The government is the sole legal buyer of cotton, and it buys cotton from farmers at a fixed price. Farmers are legally obligated to deliver the cotton they harvest to their local gin, one of the 127 state-controlled gins of the association Uzkhlopkoprom or the 18 gins of the Ministry of Agriculture and Water Resources. Both entities have the status of ministries and purchase raw cotton from farmers for less than one third of its value, often claiming high "trash" or water content.²² In an effort to characterize Uzkhlopkoprom as quasi-private, the state owns 51% of the company's shares; however, the shareholders of the remaining 49% are completely unknown to the public. In 2012, farmers reported average prices for cotton at:

- 885,000 sums per ton, 1st grade, 1st class.
- 862,000 sums per ton, 1st grade, 2nd class
- 800,000 sums per ton, 2nd grade, 2nd class
- 700,000 sums, 3rd class.

By comparison, cotton farmers in neighboring Kazakhstan receive double the rate for their product.

²² Environmental Justice Foundation and Uzbek-German Forum for Human Rights, *White Gold: Uzbekistan, A Slave Nation for Our Cotton?* 2010. 12 Uzbek human rights activists, names anonymous for personal safety. Personal interviews by Matthew Fischer-Daly, 23 September – 6 October, 2012. Uzbek-German Forum for Human Rights, "Cotton – it's not a plant, it's politics" *The system of forced labour in Uzbekistan's cotton sector*, Berlin, 2012, available at <http://uzbekgermanforum.org/wp-content/uploads/2012/12/cotton-its-not-a-plant-its-politics-online.pdf>, last accessed 4 March 2013.

After raw cotton is ginned, one of three state trading companies, Uzprommashimpeks, Uzmarkazimpeks, and Uzinterimpeks then export 75% of the cotton lint, and the Uzbeklegpprom – the government-controlled ‘Association of State Cotton Enterprises - sells the remaining 25% of the cotton lint on the domestic market.²³

The government’s failure to implement meaningful agricultural reform has put rural Uzbekistan on a course of reverse socio-economic development. The government uscs farmers as peasants on its plantations.²⁴ The artificially low prices paid by the government that farmers must accept have combined with consolidation of land ownership to drive farmers with agricultural knowledge and capacity out. Farmers are unable to invest to improve farms, much less hire voluntary labor.²⁵ As a farmer reported to UGF in 2012, “It doesn’t matter if the unemployed or mardikors pick; the issue is the need to pay. It’s not profitable.” Farmers have recognized the failure of the agricultural system for years. Uzbek farmers live a peasant life; they are forced to labor on larger, consolidated farms and cke out their family’s survival with small vegetable plots.

Unemployment and underemployment are very high throughout Uzbekistan but particularly so in rural areas, where over 62% of the population lives.²⁶ Increasingly, farmers and rural residents are emigrating, joining the estimated 3-5 million Uzbek citizens (10%-17% of total population) working primarily in Kazakhstan and Russia and sending remittances that amount to as much as 35% of the total gross domestic product.²⁷ In the most extreme cases, the system has even cost the lives of some farmers; in recent years, a number of farmers in Samarkand have committed suicide, reportedly from depression and frustration with the system.²⁸ After his release from prison for failing to meet his cotton quota and prior to hanging himself, longtime farmer Ismoil Turanazarov wrote a suicide note explaining that he was unable to meet the cotton production quota.²⁹

2. Centralized chain of command and quota system

Forced labor of over a million men, women and children in Uzbekistan’s cotton sector is uniquely state-sponsored and is underpinned by the state-controlled cotton production system. The government maintains a

²³ Environmental Justice Foundation, *White Gold: The True Cost of Cotton- Uzbekistan, cotton and the crushing of a nation*. 2005, available at <http://ejf.org/cotton/white-gold>, last accessed 19 December 2012. 12 Uzbek human rights activists, anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September – 6 October, 2012.

²⁴ Zanca, Russell, *Life in a Muslim Uzbek Village: Cotton Farming After Communism*, 2011, Wadsworth, Cengage Learning, pages 26-30.

²⁵ 12 Uzbek human rights activists, anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September – 6 October, 2012.

²⁶ “Uzbekistan: Economy” Broad College of Business, Michigan State University, available at <http://globaleledge.msu.edu/countries/uzbekistan/economy>, last accessed 4 March 2013.

²⁷ See “Uzbek Leader Wakes Up to Mass Emigration,” *News Briefing Central Asia*, Institute for War and Peace Reporting, 25 January 2013, available at <http://iwpr.net/report-news/uzbek-leader-wakes-mass-emigration>, last accessed 4 March 2013.

²⁸ Resident of Bukhara 2, anonymous for personal security. Personal Interview by Matthew Fischer-Daly. 26 September 2012; Resident of Jizzak, name anonymous for personal safety. Personal Interview by Matthew Fischer-Daly, 25 September 2012; “Planned Inefficiency in Uzbek Cotton Sector,” *News Briefing Central Asia*, 30 June 2012, available at <http://iwpr.net/report-news/planned-inefficiency-uzbek-cotton-sector>, last accessed 19 December 2012.

²⁹ “Planned Inefficiency in Uzbek Cotton Sector,” *News Briefing Central Asia*, 30 June 2012, available at <http://iwpr.net/report-news/planned-inefficiency-uzbek-cotton-sector>, last accessed 19 December 2012.

clear chain of command to carry out the state cotton order from the prime minister to regional and district-level authorities and down to each individual hospital, school and business. Threats of punishment and intimidation by police ensure that individuals, government institutions and businesses contribute.

Each year, the Government of Uzbekistan establishes nationwide quotas (or order) for cotton production that are enforced by regional and district authorities (*hokims*). As has been described in reports from the US Embassy in Tashkent, the government of Uzbekistan is “clinging to a Soviet-era command economy for cotton,” where all decisions regarding economic development of the cotton sector are strictly controlled by President Karimov and his cabinet ministers.³⁰ In a 2009 report, the US Embassy in Tashkent described in detail how the command economy for cotton operates:

*“Uzbekistan’s Ministry of Agriculture and Water Resources (MOA), in consultation with regional advisors and local farm associations, mandates the amount of seed cotton to plant throughout the country. Each fall, local associations meet collectively to estimate the next season’s [sic] expected output and necessary inputs. District plans are submitted to the regional authorities, and regional plans are approved at the national level.”*³¹

Several government agencies – including the Ministry of Agriculture and Water Resources, the Ministry of the Economy, the Ministry of Finance, the Ministry for Foreign Economic Relations, and the Investments and Trade and the Association Uzpaxtasanoat – develop the national cotton production plan. It is then the prime minister, reporting directly to the president, who publicly produces the national plan for cotton production, including the national production target.³² The prime minister then convenes the regional governors (*hokim*) and dictates the cotton production quotas for each region.³³ This number is then broken down by region, and district *hokims* (governors) are responsible for making sure that the delivery quota is filled, including the forced mobilization of farmers to meet a share of the Government imposed cotton quota.³⁴ The US embassy reported in 2008 that “virtually all farms in Uzbekistan . . . are still tied to the state order system,”³⁵ which means that all cotton is produced within the “state order system.” Through the 2012 cotton harvest, the system has not changed.

A clear chain of command ensures the mobilization of the cotton pickers, starting with the Prime Minister, down through the regional *hokims* to the district- and city-level *hokims* and directors of government agencies, and to the administrators of schools, hospitals, other government agencies and private businesses. With his

³⁰ US Department of State, (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan’s Cotton Sector Still A Bastion of the Command Economy*, at para. 3. (November 3, 2009)

³¹ *Id.* (unclassified)

³² Uzbek human rights activists, names anonymous for personal safety. Personal Interviews by Matthew Fischer-Daly, 23 September – 6 October, 2012.

³³ *Id.*

³⁴ *Id.* at para. 4. (unclassified)

³⁵ U.S. Department of State. (Unclassified) Cable from US Embassy in Tashkent: *Uzbekistan: Information on Forced Labour and Child Labour for Mandatory Congressional Reporting Requirements*, at para. 8. (June 6, 2008) (“While virtually all farms in Uzbekistan are now classified as private, they are still tied to the state order system. Farmers are required to both seed a certain amount of their land with cotton each year and produce a certain quantity for the state purchase. As adult labour is often scarce . . . farmers and provincial officials resort to conscripting students to fulfill their quota.”)

orders from the prime minister, the regional hokim convenes his deputies for each government service agency: education, health care, military, etc.³⁶ Through their schools, places of employment and “mahalla” committees (neighborhood associations), children and adults are forced to work in the cotton fields under threat of losing their educational opportunities, job, pay and social-welfare benefits.

In most districts, the district khokimiyat functions as the headquarters for the mobilization of children and adults to harvest cotton and fulfill the national production plan. The khokimiyat oversees relations between banks and farmers and the farmers’ fulfillment of their cotton quotas as well. It includes the staff of the khokimiyat, the district prosecutor, the district police, the director of the district departments of public services – education, health, *etc.*, and the directors of the agricultural input enterprises that have financial transactions with the farmers. The district hokim or deputy hokim convenes meetings prior to the start of the harvest to issue orders for the mobilization of people to pick cotton. The organizational structure varies somewhat across different regions of the country. In some regions, the regional hokim has deputies for each sector; in others the hokim has district-level mayors (hokims rayona); and another variation reported is district-level directors of public institutions, e.g. school district administrators. Throughout the harvest, the prime minister conducts regular teleconferences with the regional hokims to ensure progress towards fulfilling the state order for cotton.

After receiving its target for cotton picking, the director of each institution – school, hospital, military office, *etc.* – develops schedules and quotas for the staff. For example, in 2012 the principals of the schools of Jizzak region organized shifts of 10-14 days for groups of teachers to go to the fields and pick cotton and modified the educational program accordingly. At the start of the 2012 harvest, the Psychiatric Clinic of Angren planned to send 30% of all staff to pick cotton, and then raised the participation to 50% of all staff in order to meet the clinic’s quota.³⁷ Each individual is assigned a daily quota.

The individual quotas in 2012 ranged from 80 kilograms per day during peak harvest to 30 kg per day, the amount that pickers were told was the minimum to cover the cost of food and transportation. The increased burden on the residents of Tashkent, government employees and private sector employees to pick the state cotton order meant that many inexperienced people were sent to the cotton fields. Failure to meet quota is not an option.

Each province and region of Uzbekistan has an established infrastructure, from the regional hokim to police enforcement that monitors the cotton fields and penalties for refusing to participate that are better understood by the populace than the national laws. Any farmer or farm laborer who refuses to participate when called upon to grow or harvest cotton is punished by the state, including by the loss of employment; suspension, expulsion or other disciplinary action at school or work; loss of state welfare payments; fines; social ostracization, verbal abuse, and public humiliation; expulsion from farmland (loss of livelihood); and physical abuse. Truly indicating who is in charge of mobilization of people to harvest the cotton, one interviewee explained, “Farmers have no say whatsoever, not even one of them never once indicates what to do. Foremen

³⁶ *Id.*

³⁷ Personal interviews, names anonymous for personal safety. Uzbek-German Forum for Human Rights, November 2012.

are deans.³⁸ The directors of schools, hospitals and other government entities report directly to the hokim and face punishment, including dismissal from their post, for failing to deliver the state order of cotton. The directors therefore assign a foreman of each group sent to the cotton field to oversee the work and report at the end of the day to the khokimiyat. The khokimiyat headquarters then visits farms and groups of pickers who are underperforming to reinforce the pressure to meet the target.

During the 2012 cotton harvest, examples of the enforcement practices of the regional- and local-level authorities included:

- In Angren, Tashkent, parents of students attending the Angren Academic Lyceum presented the Prime Minister's statement that no children were to be allowed to pick cotton, and the lyceum's director, under orders of the regional authorities, told the parents, "in that case take your documents and go to another college."³⁹
- In Yangiyul city, Tashkent region, parents and students were obliged to sign permission slips to establish their 'voluntary' participation in the cotton harvest, or face problems for the student to obtain a diploma.
- In the Buka district, Tashkent the police and national security service SNB and prosecutor's office visited school and college directors to ensure their support for mobilizing teachers and students to pick cotton.⁴⁰
- In the Nizhnechirchiksky district of Tashkent region, students with illnesses region were denied medical exemptions.⁴¹
- Nurses from several regions reported that they were threatened with the loss of their jobs for refusing to participate. Nina Petrovna, a nurse at a children's clinic in Tashkent region, was fired when she requested a medical exemption from the cotton harvest due to hand injuries.⁴²
- Staff of medical clinics reported deductions from their salaries for not meeting their daily quotas.⁴³
- Doctors in the Jizzak region and Tashkent city were informed that refusal to participate in the cotton harvest would cost them their jobs as well.⁴⁴
- Students of Tashkent National University of Economics were threatened with expulsion. As one student commented, "We can get expelled with some kind of excuse. They threaten us with that.

³⁸ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 25 November 2012.

³⁹ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 14 November 2012.

⁴⁰ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 27 December 2012.

⁴¹ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 15 November 2012.

⁴² Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 6 November 2012.

⁴³ Personal interview, name anonymous to protect personal safety, by Matthew Fischer-Daly, 30 September 2012.

⁴⁴ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 31 October 2012 and 8 November 2012.

Of course it can be fixed with money, but isn't it better to pay the money to local pickers and fix it that way?⁴⁵

- Students of the Shayhontohur district were told, "if foreigners or human rights defenders come and ask or take photos let us know and tell them that you came voluntarily with your own initiative"⁴⁶
- In the Chirchiq district, students were threatened with expulsion and beaten by school staff, as encouragement to meet their quotas.⁴⁷
- Sulton, a student at the College of Food & Hospitality, received a bloody nose for failing to meet his daily quota.⁴⁸
- Shoir, a young mother in the Sharhrisabz district, reported the impossible situation of either picking cotton or losing state social security benefits delivered through the mahalla committees.⁴⁹

Similar practices reported throughout previous years indicate a common pattern. Examples include:

- In 2009, Prime Minister Shavkat Mirziyoyev stated in decree No. KR 03/1-732, "Khokims, prosecutors and departments of internal affairs of districts must take under control those farms where cotton has not been picked and organize the final cotton harvest. In those cases where farms have not complied with contractual obligations, a schedule will be made to levy damages from them. Under the law, their land lease will be revoked."⁵⁰
- In 2009, the Angren city hokim (mayor) Makhmud Turgunbayev issued a decree for each school to send 30% of its teachers to pick cotton; the decree threatened dismissal for teachers who refused.⁵¹
- In 2011, the Ishtihon district hokim (mayor) ordered teachers of primary and high schools to pick both pick cotton and take the school children to the fields to pick cotton, to meet the district's annual production quota, and school directors were threatened with dismissal if they failed to follow the hokim's orders.⁵²

⁴⁵ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 12 November 2012.

⁴⁶ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 18 November 2012.

⁴⁷ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 22 November 2012.

⁴⁸ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 15 November 2012.

⁴⁹ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 7 November 2012.

⁵⁰ Usman Sarwar, "Пахтакор боланинг ўлими учун ким жавобгар?," *Ozodlik.org*, 23 October 2009, available at <http://www.ozodlik.org/content/article/2859306.html>, last accessed 4 January 2013.

⁵¹ Alliance of Uzbekistan Human Rights Defenders, cited in Uzbek-German Forum for Human Rights, *A Chronicle of Forced Child Labour: Reports from the Uzbekistan Cotton Harvest 2009, Week 3*, available at <http://uzbekgermanforum.org/wp-content/uploads/2011/11/A-CHRONICLE-OF-FORCED-CHILD-LABOUR-2009-Week-3.pdf>, last accessed 4 January 2013.

⁵² Sadridin Ashour, "Иштихонда "Зарбдор ўн кунлик" эълон қилинди," *Ozodlik.org*, 4 November 2011, available at <http://www.ozodlik.org/content/article/24381666.html>, last accessed 3 January 2013.

- In 2011, students of the Pediatrics Faculty of the Andijan Institute of Medicine were forced to pick cotton and meet daily quotas of 100 kilograms per person.⁵³ An Institute teacher, Husan Ganievich Mamadiev, explained his role supervising the students to comply with orders of the local hokim Ahmadjon Tufilovich, "I am the leader of a group. Ahmadjon Tugilovich said to fulfill the targeted quota and I have to obey."⁵⁴
- In 2011, the regional hokim (mayor) of Surkhandarya, Turob Juraev, severely beat eight college directors who failed to deliver daily cotton targets, during a meeting to review cotton harvest progress on October 25.⁵⁵ Teachers were forced to record full attendance during the cotton harvest, while the children worked in the cotton fields.⁵⁶
 - "They tell us to fill the registration books, and make us write that the class has taken place. A teacher is a liar in front of a child's eyes. And we have to grade them at our own risk. Sometimes I even regret that I have become a teacher. It is hard to look the children in the eye." - School Director, Surkhandarya region.⁵⁷

Widespread extortion was another shocking characteristic of the quota system during the 2012 cotton harvest. Across the country, adults reported being charged for the difference between the cotton they picked and their assigned quota. In many cases, students, day laborers, members of mahalla committees, nurses, doctors and others forced to work the harvest paid local residents 300 som per kg to fulfill the quota. As a teacher who harvested in the Jizzak region reported, over the course of her shift in the cotton fields, she paid 25,000 som to fulfill her quota. For government employees, the government authorities had the convenience of simply deducting money from the salaries of employees who failed to meet their quotas.

For those who could afford it, there was the alternative to pay the head of one's institution, ostensibly for that director to hire a replacement cotton picker. For teachers, nurses, doctors and other government employees, payments ranged from 300,000-600,000 som and were paid to the principal, chief doctor, etc. Students paid 300,000-400,000 som to avoid picking cotton. Payments were strictly enforced. As a parent sadly shared during an interview, she visited her son and met another family of a boy named Muzaffar, who had broken his arm but only allowed to go home after paying 100,000 som. For most people, paying to avoid the cotton fields was financially unfeasible, for example, more than a month's salary for a teacher. The reality that there was no choice was clear. "In fact, even 300 dollars is a lot, it is my father's two months salary. But refusing means not passing exams." - Student, Andijan, 2012

The penalties for underperforming are not reserved only for individual pickers; regional and local authorities manage an underperforming district or region only at the risk of their own career as well. The Prime Minister Shavkat Mirziyayev convenes meetings and teleconferences (*selectornoye soveshanie*) with

⁵³ Ozodlik.org, 12 September 2011, available at <http://www.ozodlik.org/content/article/24326204.htm>, last accessed 21 December 2012.

⁵⁴ *Id.*

⁵⁵ Sadridin Ashour, "Хоким коллеж директорларини калтаклади," *Ozodlik.org*, 27 October 2011, available at <http://www.ozodlik.org/content/article/24373406.html>, last accessed 3 January 2013.

⁵⁶ Sadridin Ashour, "Уқитувчи жиноятга қўл урмагани учун жазога тортилди," *Ozodlik.org*, 16 November 2011, available at <http://www.ozodlik.org/content/article/24392598.html>, last accessed 3 January 2013.

⁵⁷ Sadridin Ashour, "Уқитувчи жиноятга қўл урмагани учун жазога тортилди," *Ozodlik.org*, 16 November 2011, available at <http://www.ozodlik.org/content/article/24392598.html>, last accessed 3 January 2013.

the prosecutors, police chiefs, farmers and government officials of all regions of Uzbekistan to arrange and oversee the mobilization of schoolchildren, students, and government employees to harvest the cotton. The communications from the Prime Minister are regular and include specific instructions.⁵⁸ The hokim of Bukhara region lost his position after farmers of his region protested the late delivery of finance from the government-owned bank during the 2011 season.⁵⁹ Despite the reality of the tensions, the government news agency presented a documentary to convey that he was fired for corruption.⁶⁰

While the forced labor of children and adults continues year after year, the government of Uzbekistan steadfastly denies the practice. The contrast between the practice and the government's statements highlight the complete failure of the government to implement the national labor laws and international labor standards prohibiting forced labor and child labor.

After ratifying the ILO Convention No. 182 on the Worst Forms of Child Labour on June 24, 2008, the government of Uzbekistan passed a series of laws and resolutions that suggest efforts to apply the convention. The Cabinet of Ministers passed the law "On measures to implement the Convention, ratified by the Republic of Uzbekistan on the minimum age for admission to employment and the Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour" ("Collection of Laws of the Republic of Uzbekistan "2008, № 39, art. 377) on September 12, 2008, signed by the Prime Minister of the Republic of Uzbekistan and published on the website Norma № 40 (169) on October 3, 2008. In 2011, the Federation Council of Trade Unions, the Association of Farmers of Uzbekistan and the Ministry of Labor and Social Protection of the Republic of Uzbekistan published a joint statement concerning the prohibition of child labor on the website of the information agency of the Ministry of Foreign Affairs of the Republic of Uzbekistan "Jahon". Thereafter, the Government Order No. 82 of 26 March 2012 approved the Plan of additional measures for the implementation of the Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 1999 (No. 182), 2012–13 (Plan on additional measures). In August 2012, the Prime Minister of Uzbekistan also issued a statement that children were not to pick cotton. In 2012, the Uzbek Ministry of Education Letter No. 01-523, dated September 8, 2012, delivered a message to the Ministry of Education of the Autonomous Republic of Karakalpakstan and the central education boards of Uzbek provinces and Tashkent not to allow school children to pick cotton.

Juxtaposed with continued forced labor of children and adults in the cotton fields, the government's resolutions and statements can only be understood as attempts to relieve pressure from the international community. None of the government's statements address forced labor; to do so, the government would be acknowledging their total control of the cotton sector and role in coercively mobilizing child and adults to harvest cotton. Despite this direct culpability for the system of state-sponsored forced labor, the Government denies the practice, alleging that such claims are politically motivated by 'foreign actors' to undermine Uzbekistan cotton on the international market.

⁵⁸ *UzNews*, "Мирзиев объявил хлопковый хашар," *UzNews*, 24 September 2009, available at http://www.uznews.net/news_single.php?lng=ru&sub=hot&cid=2&nid=11338, last accessed 4 January 2013.

⁵⁹ Resident of Bukhara 2, anonymous for personal security. Personal Interview by Matthew Fischer-Daly, 26 September 2012.

⁶⁰ *Id.*

In 2011 the government of Uzbekistan stated to the ILO Committee of Experts that “no information is available on the number of persons pursued for mobilizing children for cotton gathering because there are no persons, including government officials or private persons, who have committed such offences”, and that “the involvement of children in gathering cotton does not have a negative effect on their health or education”. In light of the government’s continued intransigence, in its 2013 report, the ILO Committee of Experts concluded,

*“despite the Government’s denial, sources in the country indicate the widespread mobilization of forced labour (particularly of children) in the annual cotton harvest in a number of Uzbekistan’s regions.”*⁶¹

and

*“the Committee must once again note with serious concern that the Government has yet to respond positively to the recommendation to accept a high-level tripartite observation mission. The Committee’s concerns are reinforced by the evident contradiction between the Government’s position that children are not removed from school for work in the cotton harvest, and the views expressed by numerous UN bodies and social partners that this worst form of child labour remains a serious problem in the country.”*⁶²

3. The role of law enforcement agencies

Post-Soviet Uzbek law enforcement agencies strike fear into the population. People are cautious and mistrustful of law enforcement officers, even if the latter are law-abiding and well-intentioned citizens. Fear of the state is a natural phenomenon in Uzbekistan, due to a large degree to the complete lack of an independent judiciary and freedoms of association, press and speech. Everybody is conscious of his dependence and vulnerability vis-à-vis the powerful state apparatus. Government officials in Uzbekistan abuse this fear. The entire cotton forced labor system depends on this, such that people obediently pick cotton for the state.

Law enforcement agencies also participate in all stages of the cotton harvest, to ensure obedience. They are obliged to make sure that farmers reap the cotton and deliver it to the state. Prosecutors and police officers are assigned to “control the execution of government regulations on agriculture.” Farmers reported that the local police chief and the regional prosecutor always participate in the meetings on cotton harvest, which adds a militancy, and with it, intimidation factor, to the meetings.

During the cotton season, prosecutors and police officers take part in daily meetings, dedicated to the daily harvest results. Following the governor’s decision, policemen often arrest and beat guilty farmers. A farmer from Kashkadarya region said in an interview that he voluntarily gave up his land as he was tired of continued threats and harassment from the local governor and prosecutor.

⁶¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning the Abolition of Forced Labour Convention, 1957 (No.105), Published 2013.

⁶² ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning the Worst Forms of Child Labour Convention, 1999 (No. 182), Published 2013.

Police officers also exert their authority over parents who refuse to let their children to pick cotton. "In our country contempt of state is the most serious crime," one of the parents from Tashkent said.

Law enforcement forces were charged with preventing any attempt to monitor and document the extent of forced labor. Policemen were guarding the roads and watched the people arriving in cotton areas. During the harvest, police cars ran between the fields, instead of preventing crime.

Teachers and farmers were instructed to prevent photography in the cotton fields. They were ordered to immediately report to security services the appearance of any stranger with a camera in the field. Security officials arrested and deported foreign activists and journalists from the fields and from the country.

Law enforcement agencies zealously perform their task of dealing with the cases of insubordination to "cotton policy." Following the instruction from national security and law enforcement officers, adult cotton pickers were placed next to the busy routes, newly arriving "volunteers" further away near residential areas and field camps, and college and lyceum students were sent to the remote steppe fields. Cars were checked upon approaching fields for cameras and cell phones.

4. Increased corruption

Remarkably, the 2012 cotton crop was harvested much more quickly than in previous years, and apparently at a lower financial cost to the government. The material costs associated with manual cotton collection were passed on to the country's citizens. The scale of extortion from state employees, private businesses and students was unprecedented in its scope and scale during the 2012 cotton harvest.

Students were informed that if they did not go to the cotton fields, they would have to pay \$200 or face expulsion. Unprecedented numbers of adults sent to pick cotton did not receive any payment for the cotton they picked. Initial indications highlighted that the majority of government employees received no compensation for their work. Any adults who wanted an exemption from picking cotton and had the economic means could pay roughly \$200, an amount that corresponds to more than the average monthly salary in Uzbekistan. The money was supposedly used to hire markidors (day laborers) to work in their place; however, no one knows where this money really went, because there were no transparent accounting systems.

Extortion from businessmen increased in scale and formality. As a businessman from Angren reported to Radio Liberty, "Taxmen told us last year that we should either pick cotton ourselves or donate 50,000 soms. We gave money without receipts and we do not know how the money was spent."⁶³ According to the report, another Angren businessman reported that the levy was 4-6 times higher in 2012 than in the past, and a bank account was established into which the businessmen had to make deposits.

5. Government repression of citizens who attempt to monitor and rejection of the International Labour Organization

⁶³ UzNews, "Businesses forced to sponsor cotton harvesting in Angren," 12 September 2012, available at http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=2&nid=20776, last accessed 21 January 2013.

In 2012, the Uzbek government continued to conceal information on the criminal nature of cotton campaign. Government authorities continued to harass, intimidate and repress citizens who attempted to monitor. The Uzbek government again refused to invite the ILO to conduct monitoring.

The ILO, the United Nations agency responsible for establishing and monitoring labour standards worldwide, visits a country upon invitation from the host government. Since 2009 the ILO has called on the Uzbek government to respond to continued reports from workers, employers, and civil society of systematic and persistent use of forced labor of children and adults in Uzbekistan's cotton fields. Since 2010 the ILO tripartite supervisory body has called on the GOU to invite a high-level tripartite mission to conduct unfettered monitoring during the cotton harvest. In 2012, the ILO offered the Uzbek government an opportunity to take an initial step by inviting an ILO technical assistance team that would monitor during the harvest. The GOU, however, has steadfastly refused to grant access to the ILO.

Only a few brave human rights defenders in Uzbekistan continue to investigate and report on the situation. It is forbidden for foreign journalists to appear in the cotton fields and talk to people working there.

Throughout the 2012 cotton harvest, Uzbek government continued to harass, intimidate and suppress citizens who tried to monitor the process. It was forbidden for students and their visiting parents to make photos of the living conditions with their mobile phones. Farmers were also warned to "keep their mouth shut" and to report any suspicious people on their farms.

On September 22, the Yakkabag district police detained activists Yelena Urlaeva and Malokhat Eshankulova and searched for photos and videos. The day before, they documented the working schoolchildren of the 4th to 6th classes from school № 70 in the village of Beshkaltak. Rights activists understood that they found out something they were not supposed to know immediately after their contact with the teachers and students of the school № 70 in Yakkabag district of Kashkadarya region.

"We were followed by several cars with people in civilian clothes," Eshankulova said. Despite the surveillance, human rights defenders tried to "break through" to the neighbouring Kamashi district, where schoolchildren allegedly worked in the cotton fields, but they did not succeed. *"Our car was blocked by six policemen. They demanded that we give them our video and photo equipment,"* Eshankulova said.

Traffic police has no right to make such demands. Women went to Kamashi district by a different car and a bypass road. But the story repeated. Traffic policemen soon stopped this car too. *"We had to hide in the house of local residents for a few hours, until one of the activists from Shakhrisabz took us out of Kashkadarya region,"* women said.

Gulshan Karaeva of the Human Rights Society of Uzbekistan (HRSU) was arrested on September 27, on ambiguous charges of libel. She believes this way the authorities warned her to stop reporting on the cotton harvest, as she used to do in previous years.

At the height of the cotton harvest, authorities arrested human rights activist Uktam Pardayev from Jizzakh town on false charges, which still remain unknown to him. Uktam Pardayev was arrested for 15 days, immediately after he had reported on cotton harvest abuses in Jizzakh.

E. Socio-Economic and development impacts of the forced-labor system of cotton production

1. Education, health care and public national infrastructure

The massive forced labor of government employees strained the delivery of many public services, including essential medical care. Medical personnel and public sector employees were forced to pick cotton all over the country, which hindered the provision of essential medical care. Approximately 11,000 nurses and doctors from hospitals and clinics in Tashkent were sent to the fields in remote Arnasay district of Jizzakh region.

An employee of a Tashkent regional hospital described the situation in his hospital during the cotton campaign, *"Chief physicians supervised cotton harvest. They traveled from Tashkent to Jizzak, brought money and food. Heads of department collected money from those employees, who did not go to the fields. And junior staff and doctors picked cotton."*

A Bukhara resident reported: *"My niece got sick, so I took her to the children's hospital. They told me there were no doctors."* In another interview, a gynecologist from Bukhara region said that the medical staff in her area was mobilized to the fields. Citizens reported similar situations from throughout the country.

Official media published reports of "voluntary cotton pickers" or "khasharists" from various government organizations, and described the situation at the workplaces as "solidarity". There, in schools, hospitals and other government organizations, employees who were not sent to the fields had to pick up the work of those in the cotton harvest, for the same payment.

"More than 300 employees of regional and district departments of culture and sport went to cotton khashar. But one shouldn't think that the cultural and sports life stopped. The remaining employees work for two people -for oneself and for the other," – explained Davron Shamsutdinov, sports instructor of the Namangan Department of Cultural Affairs and Sport

An emergency medical technician (EMT), who worked on an ambulance in Tashkent and was sent to pick cotton for three weeks, reported that the remaining colleagues had to work nonstop, seven days a week without days off.

Education sector was also severely affected by the fact that 50 to 60% of teachers were sent to the cotton fields. The remaining teachers had to combine classes and to teach simultaneously 50 to 60 children without additional payment.

2. Corruption: increased extortion during 2012 and impacts on governance and development

In the Corruption Perceptions Index, the annual report of the international organization Transparency International, Uzbekistan's rank is 170 out of 174 countries. The countries with worse corruption rankings are Afghanistan, Myanmar, Somalia, Sudan and North Korea.

Corruption runs through the entire state order cotton production system, which provides government officials various schemes for extorting money from their less-powerful fellow citizens. Particularly those with specific roles in the cotton industry line their pockets with substantial sums of money extorted via uncontrolled requisitions from people who did not go to the fields, did not meet their quota or failed to otherwise contribute 'enough'.

All interviewed students named bribes as the biggest challenge in the institutes and colleges. Each assessment has its own price. One should pay for a place in the university and even a place in the student dormitory. *"The teacher can give a student the keys to his car and ask him to fill it with gasoline, which costs 50,000 sums. He wouldn't even ask himself whether a poor student has money,"* a student of the Karshi Institute complained. *"Once entered the college, you should study, teachers say. But when we are taken to the cotton campaign for two months, none of them says, we need to study instead of working in the field."*

In 2012, cotton crop was harvested faster than in the previous years, and apparently at a lower cost for the state. The costs were shifted to the citizens. The scale of money extortion from public employees, private businessmen and students in 2012 was higher than ever before observed.

Students reported that they had to pay \$100 to avoid going to the fields; otherwise, they would have been expelled. The vast majority of public sector workers did not receive any payment for the harvested cotton. Adults who sought an exemption from picking cotton had to pay \$150-200, a sum higher than the average monthly salary in Uzbekistan. The money was allegedly used for hiring mardikors. Yet, due to lack of transparent payment systems, no one could verify the actual fees and expenses from these funds. Exemptions from the cotton harvest for private businesses rose in price and changed in form. A businessman from Angren told Radio Liberty, *"Tax Inspectorate told us last year that we either have to pick cotton ourselves or pay 50,000 sums. We paid the money, but received no cash checks and do not know how the money was spent."*

Employees of the city hospital No1 reported that they received no money for the last year's harvest either. According to them, every chief official came to work following the harvest with 'a new Nexia car and a suitcase full of money in the trunk'.

"The director and teachers misappropriate the money earned by children. A college director asked me whether I have the money for 30 tons of picked cotton, which amounts 4.5 million sums. The director said he had a lot of expenses, needed to pay the authorities, daily transport expenses to go to the regional meetings. He asked me to give him 2.5 million sums in cash and promised to give me a statement for 4.5 million sums, signed by children. Then he told the children that the farmer went bankrupt and the bank paid him no money. Children first asked about the money, but in 2-3 months no one asks where the money went." – Farmer, Tashkent region

No one could say how much money was budgeted for food. Different prices were named during the interviews. A sum of 24 to 40 kg of picked cotton was deducted for food costs, which would translate into anywhere from 3,600 to 6,000 sums per day, for two meager meals. Money collected by chief doctors, mahalla committees, school directors and others allegedly for "food and provisions for cotton pickers" was not controlled. Sources reported on extensive corruption in this area.

A teacher from Kashkadarya said: "*Costs for lunch are calculated for 300 people and include 3.5 kg of meat, onions, potatoes and water. This food should cost a maximum of 1,500 sums per person. But they deducted the price for 30-35 kg of picked cotton for this food, which is 5,000 sums for a meal per person. The management stole millions of sums through fraud with nutrition.*" Because of the poor food quality, many cotton pickers did not eat the food offered and instead had to buy it from the local people.

Money was collected from the population even after the harvest ended. Parents, who did not let their children go to the fields, said the college administration demanded from them to pay about \$100 per child without further explanations.

A student of a prestigious Andijan lyceum said: "*There were those, who did not go to cotton campaign and paid no money. As the studies started on November 1, they were told to pay 300,000 sums otherwise they will be expelled. They immediately paid because our lyceum is good and to enter it one has to pay a bribe.*"

Mahalla committees, clinics, hospitals, schools, kindergartens collected money "for participants of cotton harvest." These funds were spent without any control since fees were from the start illegal.

It is assumed that the intensified forced labor of adults, which replaced child work, turned out profitable for the organizers of the cotton harvest. Corruption rose because officials could extort cash from the population.

"We were told we will be paid 150 sums per kg. We received nothing. After we complained to the staff representative in Tashkent, part of our group, 400 nurses received money for the last five days. Later, we found out that these payments were made from the money collected from the remaining physicians. Neither farmers nor the state paid us. Chief Doctor said he did not receive money, earned by cotton pickers last year. Money is as a rule misappropriated by chiefs of cotton factories, prosecutors and governors." - Doctor, Tashkent hospital.

College teachers were required not only to participate in the cotton harvest themselves, but also to make sure that the students work and fulfill the set cotton quota. "*If I refuse, they will tell me to leave the work, and 100 candidates will claim for my position,*" - a college teacher from Samarkand said.

In case of college students, threats of expulsion from school often remain threats. Meanwhile, school teachers and institutions obediently perform the superiors' task to send the students to the fields. For this purpose, all possible instruments of propaganda are used from promises to give good assessment grades, requests and discussions with parents, threats of expulsion from college, and finally asking the parents to spare teachers, as they might lose their jobs if the children don't go to the cotton field.

As a result of this psychological pressure, parents and students with their own mattresses and provision go to the cotton campaign for two months as a duty to their country.

"We have a new district prosecutor. In the evening, after submission of the picked cotton, he invites the team leaders, who did not fulfill the plan. Three to four policemen are also present during the meeting. The first time, one can get away with curses and threats, but the second time he can order one's arrest. On March 1, I spent one night in the cell of the district police station. Next morning I was released. This is done in order to keep us in fear."

The system of forced cotton labor affects the development of the country by reducing the level of education and healthcare, and the welfare of already poor population.

3. Forced labor cotton production as method of social control

If you live in Uzbekistan and are not connected to the governing elite, your livelihood depends on picking cotton. Fulfilling your cotton quota is necessary to keep your job, receive your salary, receive your diploma, your child-care support, your pension. You have lived your entire life observing parents powerless to keep their children from laboring in the cotton fields, farmers powerless to earn a living, local authorities enriching themselves, and central authorities proclaiming such greatness that you often wonder if they were speaking of a foreign land. "What is there to like?" asked Nurse Nigora, age 45, during an interview following the 2012 cotton harvest.⁶⁴

What does it mean to a society in which every individual's livelihood is dependent on picking cotton for the government? What does it mean to a society in which every boy and girl observes their parents' inability to protect them from the dangers inherent in agricultural labor? Full understanding of the answers to these questions will likely require significant observation and analysis after the yoke of cotton-harvest participation is lifted from the Uzbek people. What is evident already is the depth at which the government has engrained compliance in its state order cotton production system.

Picking cotton to enrich the government elites is now a cultural norm in Uzbekistan. Much of the population has lived their entire lives with President Karimov ruling the country.⁶⁵ Whether you personally are a farmer or not, you know that farming leads to debt from fulfilling cotton quotas for returns lower than the cost of production. Whether you personally have been expelled from school or denied a diploma for refusing to pick cotton, you understand and avoid these consequences by picking cotton to fulfill your quota. You do not dare ask your mother or father to pay a fee to the school principal, because you know the cost represents nearly a month's salary. Whether you have personally lost your job or had salary deducted for refusing to pick cotton, the choice is clear to you as a young professional – and likely a mother or father – to pay a day laborer to fulfill your cotton quota rather than risk the consequences of refusal. Whether you personally have been denied pension payments by the mahalla committee, you do not dare refuse their call to the harvest and risk access to affordable cooking oil, for example. Whether your business was visited by the tax man in past years, you know that your business could not withstand tax penalties and therefore contributed to the district

⁶⁴ Personal interview by Uzbek-German Forum for Human Rights, 6 November 2012.

⁶⁵ 47.5% of the population of Uzbekistan is age 24 or younger. President Islam Karimov became chief of state in March 1990.

authorities' fund for the cotton harvest. Every single person interviewed for this report mentioned punishment for not fulfilling their cotton harvest requirements.

Propaganda is constant during the cotton harvest. The practices reported by the U.S. Embassy in 2009 continued through 2012.

*"Campaigns encouraging everyone to get out to the fields to do their part for the country are in full swing. A sign on the locked front gate to one of the markets in Jizzak cheered workers on. (Meanwhile, people streamed in the unlocked side entrance.) State employees are transferred to the fields (something undoubtedly not in their job descriptions), and private business owners are being asked to send some of their employees to the fields or to hire day laborers in their places. Threats, implied or explicit, often accompany these requests."*⁶⁶

Uzbek citizens expect that their government defrauds them. As a day laborer in Angren reported, the "Weight wrong of course," when he delivered the cotton that he picked.⁶⁷ A nurse from Tashkent described the charges for food, "This was an obvious fraud."⁶⁸ A mother noted, "income doesn't exist, only the costs."⁶⁹ A teacher from Tashkent region, "I'm so tired of all this. The children are a gratuitous force, absolutely powerless. Many do not understand, and even fear."⁷⁰

Farmers often note that the prevalence of corruption has pervaded the country so deeply that honesty leads to one's destruction. Regional authorities misrepresent harvest quantities, a practice known as "pipriska" that is considered standard operating procedure.

The people are aware of the underlying reasons. Uzbek people quickly note the benefits gained by local and regional authorities and the government's exploitation of vulnerable groups of society.

"For the state, it is a freebie. The children can be free to say collect. Not only did not pay for the work. It is easier to manipulate children." – Parent, 2012⁷¹

"What is the use of cotton for us? Even farmers themselves don't make any profit, only government needs it." – Parent, 2012⁷²

"The government only sticks to those who are scared of losing jobs or who can be forced. That's why teachers and medical doctors are involved and the military." – Teacher, 2012⁷³

⁶⁶ Cable from the US Embassy in Tashkent to [RUEHC/SECSTATE WASHDC]. *Uzbekistan: The Cotton Harvest in Jizzakh*, para. 7. (November 13, 2009)

⁶⁷ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 29 October 2012.

⁶⁸ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 26 October 2012

⁶⁹ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 29 October 2012

⁷⁰ Personal interview, name anonymous to protect personal safety, by the Uzbek-German Forum for Human Rights, 28 November 2012

⁷¹ Personal interview by Uzbek-German Forum for Human Rights, 17 November 2012

⁷² Personal interview by Uzbek-German Forum for Human Rights, 28 November 2012

Yet the Uzbek people do not resist out of fear and deeply embedded acceptance of the system. Parents are not in a position to protect their children. In attempting to protect them, parents would not only risk their family's livelihood but also counter every social norm that has been instilled in them.

"It is useless to object. The government is behind this cruelty. After my child came back ill from cotton, I regretted that I didn't pay the money & keep him here." "When I was at school too, when I was a student I went for four years to pick cotton." - Mother, 2012⁷⁴

Story of a mother, who did not wish to let her children pick cotton

Two of my children study in college. Before the start of the harvest, their teacher came to our house and said it was necessary to prepare the children for cotton campaign. I said I can not let my children go. The teacher told me it was possible to get exemption only if they are sick. The ordinary doctor's note would not work and we would need certification by a special medical commission. She also asked me to write her a note, refusing to send my children to pick cotton. She added I would be fired from my job because this year cotton campaign is especially strict. I wrote the note and gave it to the teacher.

After that different college teachers started to come to my house and persuade me to send my children to the cotton harvest. I refused. Then, they went to my boss and asked him to dismiss me. I work in a cafe.

The chairman of the mahalla committee stepped in. He also tried to persuade me to send my children to the cotton fields, arguing that cotton is a state matter and that even imams of mosques went to the fields. Supposedly, imams were tasked to divorce parents, if they refused to send their children to pick cotton. I think he said it because of lack of education or because he wanted to scare me. They also threatened with job dismissal. Finally, my superior told me that I should send my children to cotton otherwise I would be dismissed. I wrote a letter of resignation.

Afterwards five people, who said they were all from the college, came. "Prosecutor's Office considers your case. You have to send your children to the cotton campaign," they threatened. I decided to withstand until the end. Then a local policeman came and told me that the cotton campaign was no game, but a government policy and that I will have to send my children in the end. After my refusal, he said I should go with him to the prosecutor. I said, "If I am a criminal, then put handcuffs on me and take me to the prosecutor. If I am not a criminal, leave me alone." He left and did not return anymore.

All schoolmates of my children went to the cotton harvest. Few days later 5 to 6 people fled home and asked them why they fled. They responded that "even a dog would not eat the food we received" and that they were placed in a room inappropriate for living. They walked to the field so long, that their feet were swollen. Many students could not stand it until the end of the season. They said they had terrible conditions, they were beaten. Police controlled them to prevent escape.

So I did the right thing not having sent my children to cotton. Last time a college employee asked me to write a statement that I agree to be dismissed for not letting children go to the cotton harvest. I refused to write it, and even talk to them. Then, I heard rumours that my brothers work in Tashkent power structures, and I am therefore so brave. Well, let them speak.

“Who would argue with them?! If someone demands their rights, they will cut the child benefit with some kind of excuse. These neighborhood office people find thousand ways of cutting the benefits. They say that the limit is over, or someone is working in their household so they are not eligible, there is no money for them.” – Mother, 2012⁷⁵

The government has successfully used sufficient cases of serious punishment to ingrain the message in every citizen. Just as the massacre in Andijon prevented citizens from organizing independently for years, firing a regional hokim, withholding salary from a few nurses, expelling a few students, reallocating the land of some under-performing farmers suffice to set the example, send the message, and maintain compliance with the state order cotton production system. Students interviewed in 2012 noted that resistance is impossible, because picking cotton is not a choice but a part of life dealt with by their parents and expected for their children. The government of Uzbekistan systematically uses intense fear as a means of coercion to ensure participation in the cotton harvest.

Despite the dire situation and enormous challenges they face, Uzbek communities are admirably brightening the future for their children. In several districts, parents have begun to distribute the law “On measures to implement the Convention, ratified by the Republic of Uzbekistan on the minimum age for admission to employment and the Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”. The citizens recognize the need for rule of law and possibility presented by claiming rights under the existing laws. Across the country, people take individual action and invite others to join in collective action. Dozens of individuals throughout the country participate anonymously in a network of eyes, ears and documentation of the abuses endemic in the state order cotton production system. Despite surveillance, internet censorship and selectively tapped telephone lines, these individuals manage to disseminate evidence of human rights abuses outside of Uzbekistan.

II. 2013 Trafficking in Persons Report Ranking

The US Department of State exercised waiver provisions included in the Trafficking Victims Protection Act (TVPA) reauthorization in order not to downgrade Uzbekistan to Tier III in the *2012 Trafficking in Persons Report* (ITIP) despite the government of Uzbekistan’s continued and systematic use of forced labor⁷⁶ for cotton production, repression of its citizens who attempt to monitor the situation, and direct denial of its egregious practices to the US government.⁷⁷ In 2013, the Department of State no longer has waiver authority

⁷⁵ Personal interview by Uzbek-German Forum for Human Rights, 7 November 2012.

⁷⁶ Forced labor is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” International Labour Organization, C029 - Forced Labour Convention, 1930 (No. 29).

⁷⁷ During the January 2012 hearing for US GSP, Ambassador Ilhom Nematov, Ambassador of the Republic of Uzbekistan stated, “...already mentioned that today 100 percent of cotton is being produced by farms. It’s not compulsory. I absolutely cannot agree with our friends that it’s compulsory in Uzbekistan is forced labor. It’s not forced labor because, you know, today literacy in Uzbekistan is 100 percent.” and “Well, I don’t know what you are talking about, but when we are talking about the quota system, we don’t have quota system in Uzbekistan. I already said that during Soviet time, we had. During Soviet time, it was compulsory... And today we don’t have any quota for this particular region, for the cotton...We don’t have any quota, quota system.” Reference: Executive

and must either downgrade Uzbekistan to Tier III or upgrade it to Tier II. Despite some changes in the demographics, during the 2012 harvest the Uzbek government mobilized hundreds of thousands of children and adults for forced labor in the fields, thereby clearly failing to demonstrate the sustained and significant progress required to justify an upgrade.

The government of Uzbekistan did not make the legally required substantial and sustained progress toward ending forced labor of children and adults during the 2012 cotton harvest. While most elementary schools remained open and younger children were not mobilized on the same massive scale as in the past, government-organized forced child labor of high-school students increased nationwide; there were incidents of forced child labor of young children, apparently organized by local government officials; and government-organized forced labor of adults intensified dramatically. At the local level, the execution of the national Uzbek government's plan to refrain from forcing the youngest children faced the challenge of overcoming decades of reliance on young children to finish the cotton harvest. For the J/TIP placement, the question of how many children under 15 is not the issue; even if the demographic shift to adults, legally meaning Uzbek citizens over 18, it is not possible to characterize a substitution of one form of forced labor for another as progress. Forced labor is an egregious human rights violation, and the Uzbek government's forced labor cotton production system merits nothing higher than a Tier 3 placement in the J/TIP report.

Far short of making "significant efforts" to combat human trafficking, which is the Trafficking Victims Protection Act requirement for Tier 2 placement, the Uzbek government steadfastly refuses to acknowledge the problem.

At the January 2012 public hearing on the Government's continued eligibility for trade benefits under the United States Generalized System of Preferences (GSP), Uzbekistan Ambassador Ilhom Nematov denied openly to U.S. government officials that there was any forced labor, stating

"That's why, during the Soviet time, it was compulsory to pick up cotton by children, but today's not compulsory because 100 percent of cotton is being produced by farms." He also denied the existence of the cotton production quota system. In the report of the ILO Committee of Experts, released in 2013, the government once again denied forced labor in the agricultural sector, in response to information provided by both the International Organization of Employers (IOE) and International Trade Union Confederation (ITUC) concerning "the systematic and persistent use of forced labour, including forced child labour, in the cotton fields of Uzbekistan."⁷⁸

Less than three weeks ago, Uzbekistan's Ambassador Nematov once again stood before the U.S. government, at the hearing on his government's GSP eligibility, and stated,

"...there is no compulsory to forced labor..."

Office of the President, Office of the U.S. Trade Representative, "Public Hearing for U.S. Generalized System of Preferences (GSP): 2011 Annual Review of Country Practices." January 25, 2012, Washington D.C. Case No. 006-CP-08 WR – Uzbekistan.

⁷⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning the Abolition of Forced Labour Convention, 1957 (No.105), Published 2013.

“Today, cotton is hard currency, and if somebody who has interest to go pick up cotton and make money, there is no compulsory. He can go and the farmers will pay for them. But today, school for children, it is not compulsory to go to pick up cotton at harvest time in Uzbekistan.”

“No. Children do not participate. I didn't say that. But if farmers invite some companies or some people to help pick up cotton, they pay them, but not children; adults.”

While many governments fail to effectively curb human trafficking, Uzbekistan stands out. The Uzbek government organizes, orchestrates, and benefits from forced labor on a massive scale. An upgrade of Uzbekistan to Tier 2, in spite of the evidence that shows that the Uzbek government has made no significant efforts to comply with the minimum legal standards, would seriously call into question the credibility of the JTIP Report.

Under the TVPA statute, the State Department should downgrade Uzbekistan to Tier 3 in the *2013 Trafficking in Persons Report*. Failure to downgrade Uzbekistan to Tier 3 would reward the government of Uzbekistan for flagrant disregard of its national laws and international commitments and ensure state-sponsored forced labor of over one million children and adults in the Uzbek cotton sector in 2013. It would also contribute to placing US companies in a position of increased risk: companies operating in Uzbekistan continue to succumb to pressure to contribute to the forced labor system, and companies using cotton around the world continue to face the risk of forced-labor made cotton from Uzbekistan tainting their supply chain.

In 2007, the ILRF lodged a GSP complaint on the issue of forced labor and forced child labor, both of which are clear violations of the GSP statute. Since, ILRF and the Cotton Campaign have requested that the US government take clear, unequivocal action to condemn the Uzbek government's forced labor system by ending trade and investment incentives like GSP that reward companies who are doing business with the Uzbek government. Again this year, we continue calling on the US government to implement a sensible trade and investment policy vis-à-vis Uzbekistan.

To make clear the urgency of taking action – on J/TIP, GSP and the Tariff Act of 1930, the possible risk of placing US companies into the position of violating US laws prohibiting forced labor should be considered. There are at least two US-owned companies operating in Uzbekistan that have directly contributed to the Uzbek government's forced labor system of harvesting cotton. Additionally, there are companies processing cotton in Uzbekistan that continue to supply US-based companies and raise the risk of tainted cotton entering into government contractor's procurement. Companies who agree to buy into the Uzbek government's state order system for cotton production themselves become vehicles for distributing cotton products from cotton produced by forced labor. Recently, the companies Daewoo International and Indorama Corporation have both been involved in imports of Uzbek cotton products into the U.S., in flagrant violation of the Tariff Act of 1930, 19 U.S.C. §1307.

In the coming weeks, the legal requirement to place Uzbekistan in Tier 2 or 3 in the 2013 JTIP Report combined with the confluence of the report's June release and the International Labour Conference present unique leverage. One clear lesson from the 2012 cotton harvest is that the government of Uzbekistan was at some level responsive to international pressure. Unfortunately, the Uzbek government

ignored the message that state-sponsored forced labor of any kind, any age child or adult, is illegal under national law and violates international standards.

On June 19, 2012 and April 16, 2013 the Cotton Campaign - including business, labor, human rights and investor organizations worldwide - wrote a letter to the Secretary of State. The letter identified that the minimum step the government of Uzbekistan should have taken to avoid a downgrade in the 2013 JTIP report was to invite the ILO to monitor the 2012 cotton harvest.⁷⁹ The government of Uzbekistan demonstrated its disregard for its human rights commitments and the US TVPRA minimum standards by refusing once again to invite the ILO.

An invitation from the government of Uzbekistan to the ILO to conduct tripartite monitoring during the 2013 cotton harvest would represent the minimum step expected by the multi-stakeholder international community of the government of Uzbekistan to demonstrate significant effort to address human trafficking. If Tashkent fails to invite the ILO prior to the release of the JTIP Report and the State Department ranks Uzbekistan Tier 3, State may maintain principled engagement by urging Tashkent to invite the ILO observer mission prior to August 1, 2013, to avoid sanctions available under Tier 3.

⁷⁹ Available at <http://www.cottoncampaign.org/2012/06/20/uzbekistan-us-report-fails-child-labor-victims-unwillingness-to-impose-meaningful-consequences-allows-abuses-to-continue/>.

Mr. SMITH. I would now like to invite the testimony of a woman who has been victimized. And we are very grateful that she has had the courage to come forward and to speak.

Ms. Choe?

**STATEMENT OF MS. ESTHER CHOE, VICTIM OF HUMAN
TRAFFICKING**

[The following testimony and answers were delivered through an interpreter.]

Ms. CHOE. Hello. My name is Esther Choe, and I am currently living as a new American citizen, which I consider to be a great honor.

Through the grace of God, whom I believe in, and also through the help of a Korean-American missionary named Phillip Buck, I was able to be resettled in the United States via the UNHCR.

As the airplane I was in was flying into America, I saw the land below me brightly lit up with electricity, as if sparkling jewels were splashed about. And I remember thinking to myself that if I had this kind of electricity and lights, I would have never left behind my child in my hometown and escaped from North Korea.

I woke up every morning at 5 o'clock am and worked until 11 o'clock p.m. At night, working and doing needlework under an oil lamp. Since there was no electricity, I had to use my legs to turn the sewing machine and used briquettes to heat the iron needed to iron clothes. And I was also in great pain because I was working all day with my head bent down. During the wintertime, I also had to endure the bitter cold.

Because the sewing work I did to try to feed my family was not enough, I decided to go to China to earn extra income. Just like many North Korean citizens hear about the outside world from North Korean defectors, I too found out information about China from a woman from my hometown who had been repatriated from China. I sought her out and heard many great stories about China.

What I heard from her surprised me immensely. In China, just by working for a family at a house as a babysitter, one could earn approximately 1.2 million North Korean yuan. Since I could earn in 1 month what it would take me months of hard work in North Korea, I made a decision to go to China.

In North Korea, the trains do not run regularly, so if a person wanted to go visit a relative or go somewhere else to work or sell goods, it would take up to 2 months of travel. And I thought that if I went to China and came back, I would not arouse suspicion or be detected. And through the contacts introduced to me by the North Korean defector woman who had been arrested and repatriated to North Korea, I crossed into China via the Tumen River.

That evening when I arrived in China, I changed clothes and got into a car and rode for 14 hours. I naturally thought that I was being taken to a place where the contacts would introduce me to a new job. But once we arrived at our destination, I realized that I was getting involved in a human trafficking situation.

And I started to cry and plead with the people who had taken me in. I begged and pleaded with them that I was a married woman with a child and a husband and that I needed to go back to my home, but they were cold and detached in their response.

The human traffickers said that they had invested money and 14 hours of their own time to bring me to my destination, so they needed to at least break even financially, and though they could not help me right at the moment, after I was sold, depending on the situation, they would try to send me back home.

The place where I was sold to in tears for 16,000 Chinese yuan was to a Chinese man in his 50s who was still not married because he was so poor and had no money. And this man was living with his 80-year-old mother in a very poor and destitute situation. Because he was afraid I would run away, I was followed everywhere, even to the bathroom, to the stream near the house, wherever I went. When they needed to leave the house, I was locked inside the house and I could not leave. For 2 months, I spent the time just crying, thinking about my child and my husband and how to get back to them, and looking for the right moment to escape.

And when I did barely escape, I went to look for and sought out the broker who had sold me. I cried and begged with the broker again to send me back home to my family, but this broker, who had no humanity in him, instead of showing compassion and kindness, looked at me as a way to make a profit and instead sold me to another old, unmarried farmer in the countryside.

I really had no hope to continue living and wanted to die, but I thought of my child back home and just barely survived and succeeded in escaping again. And knowing that I had a distant relative who lived in China, I made inquiries looking for my aunt and found her.

Other North Korean defector women have been caught trying to escape from trafficking and have been beaten mercilessly. And some women are locked up for months and mistreated, and some are even forced to become pregnant so that they cannot escape. There are countless stories like these, but I believe that God protected me, and I was able to escape successfully.

The last place I escaped from, there were four other North Korean refugee woman who had been sold and were trafficked into that location. Among the four, the most pitiful one was a 15-year-old girl who was intentionally falsely announced as a 19-year-old and then sold. She was sold to a 35-year-old single man and one day escaped successfully. And she, too, sought out her broker who had sold her in order to try to get back home, but I heard that she, too, was sold again to another human trafficking situation.

I was sold twice by human traffickers in China, and in that time I found God and also found my relative. And through this relative's help, I was able to meet Pastor Phillip Buck and then was able to find help from the UNHCR. I truly believe myself to be a woman who found great fortune and luck in finding this help.

Even now, there are so many North Korean refugee women who are going through extreme difficulties and hardships and being sold in these human trafficking situations. There are countless North Korean refugee women who are sold into Internet online sex sites and into karaoke bars. And because they want to keep their chastity and virginity, some try to commit suicide.

If caught, they are beaten and abused until literally bones break and then handed over to the Chinese police, who then repatriate them in North Korea at the hands of the Bowibu, the national se-

curity agency agents. These women are then tortured and beaten and called dirty women and prostitutes who sold their bodies. And many die silent deaths like this.

Some women are forced to have babies with men they are sold to. And when they are arrested and forcibly separated by the Chinese police, the North Korean refugee mother will cry out in broken Chinese, "I will come back for my baby." There are countless women like these.

I really did not want to come here and testify today because I too want to live a happy life and I too want to meet a nice person and because I also fear that harm may come to my husband and child, from whom I am separated for life because I cannot return now to North Korea. However, I am here today because I want to tell the world about what is going on and appeal to the world and be a voice for the countless North Korean women and the mothers of the North Korean children who died and were killed in trying to keep their honor.

Right now, Kim Jong Un and the regime is testing nuclear weapons and threatening the world and claiming that they are strong. They must feel ashamed and embarrassed that their own citizens have become targets of derision and ridicule in the world and that their own people are being sold like animals and mistreated in another country. And when the people were tearfully trying to survive and eat, the regime took the aid and the food that the international community sent and instead used that make weapons to threaten the world that only desires peace. They must feel ashamed that they are the leaders of such a brazen-faced nation.

I also sincerely pray that God and the whole world will judge the regime that does not even care for or plan anything for its own people. And I earnestly plead that the world will help the weak and helpless North Korean refugee women who are dying today from hardships that are far worse than what I endured.

I close my testimony by asking for God's blessings, the blessings that he has bestowed on me to be with all of you here today in this place and with all the people who have a heart and compassion for the people of North Korea and who will help the North Korean defectors.

Thank you.

Mr. SMITH. Ms. Choe, thank you very much for being here.

[The prepared statement of Ms. Choe follows:]

Hello, my name is Esther Choe, and I am currently living as a new American citizen, which I consider to be a great honor.

Through the grace of God, whom I believe in, and also through the help of a Korean-American missionary named Phillip Buck, I was able to be resettled in the United States via the UNHCR.

As the airplane I was in was flying into America, I saw the land below me brightly lit up with electricity, as if sparkling jewels were splashed about, and I remember thinking to myself that if I had this kind of electricity and lights, I would have never left behind my child and my hometown and escaped from North Korea.

I woke up every morning at 5am and worked until 11pm at night, working and doing needlework under an oil lamp.

Since there was no electricity, I had to use my legs to turn the sewing machine, and used briquettes to heat the iron needed to iron clothes, and I was also in great pain because I was working all day with my head bent down. During the wintertime, I also had to endure the bitter cold.

Because the sewing work that I did to try to feed my family was not enough, I decided to go to China to earn extra income.

Just like many North Korean citizens hear about the outside world from North Korean defectors, I too found out information about China, from a woman from my hometown who had been repatriated from China. I sought her out and heard many great stories about China.

What I heard from her surprised me immensely.

In China, just by working for a family at a house as a babysitter, one could earn about 1,500 Chinese Yuan, and converting this to North Korean Won would be about 1,200,000 Won.

Since I could earn in one month, what would take me months of hard work in North Korea, I made a decision to go to China.

In North Korea, the trains do not run regularly, so if a person wanted to go visit a relative or go somewhere else to work or sell goods, it would take up to two months of travel, and I thought that if I went to China and came back, I would not arouse suspicion or be detected, and through contacts introduced to me by the North Korean defector woman who had been arrested and repatriated to North Korea, I crossed into China via the Tumen River.

That evening when I arrived in China, I changed clothes and got into a car and rode for 14 hours.

I naturally thought that I was being taken to a place where the contacts would introduce me to a new job, but once we arrived at our destination, I realized that I was getting involved in a human trafficking situation, and I started to cry and plead with the people who had taken me in.

I begged and pleaded with them that I was a married woman with a child and a husband, and that I needed to go back to my home, but they were cold and detached in their response.

The human traffickers said that they invested money and 14 hours of their own time to bring me to my destination, so they needed to at least break even financially, and though they could not help me right at the moment, after I was sold, depending on the situation they would try to send me back home.

The place where I was sold to, in tears, for 16,000 Yuan was to a Chinese man in his 50s who was still not married because he was so poor and had no money, and this man was living with his 80 year old mother, in a very poor and destitute situation.

Because they were afraid I would run away, I was followed everywhere, even to the bathroom, to the stream near the house – wherever I went; when they needed to leave the house, I was locked inside the house and could not leave.

For two months I spent the time just crying, thinking about my child and my husband and how to get back to them, and looking for the right moment to escape, and when I did barely escape, I went to look for and sought out the broker who had sold me.

I cried and begged with the broker again to send me back home to my family, but this broker, who had no humanity in him, instead of showing compassion and kindness, looked at me as a way to make a profit, and instead sold me to another old, unmarried farmer in the countryside.

I really had no hope to continue living, and wanted to die, but I thought of my child back home and just barely survived, and succeeded in escaping again, and knowing that I had a distant relative who lived in China, I made inquiries in looking for my aunt and found her.

Other North Korean defector women have been caught trying to escape from the trafficking, and have been beaten mercilessly, and some women are locked up for months and mistreated and some are even forced to become pregnant so they cannot escape; there are countless stories like these, but I believe that God protected me and I was able to escape successfully.

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I was sold twice by human traffickers, and in that time, I found God, and also found my relative, and through this relative's help, was able to meet Pastor Buck, and then was able to find help from the UNHCR; I truly believe myself to be a woman who found great fortune and luck in finding help.

Even now, there are so many North Korean refugee women who are going through extreme difficulties and hardships and being sold in these human trafficking situations. My experience is nothing compared to what North Korean refugee women are still going through right now.

There are countless North Korean refugee women who are sold into Internet, on-line sex sites and into karaoke bars, and because they want to keep their chastity and virginity, some try to commit suicide. If caught, they are beaten and abused until literally bones break, and then handed over to Chinese police who then repatriate them. In North Korea, at the hands of the bo-wi-bu (National Security Agency) agents, these women are then tortured and beaten as dirty women and prostitutes who sold their bodies, and many die silent deaths like this. Some women are forced to have babies with the men they are sold to, and when they are arrested and forcibly separated by the Chinese police, the North Korean refugee mother will cry out in broken Chinese, 'I will come back for my baby'... There are countless women like these.

I really did not want to come here and testify today.

Because, I too want to live a happy life, and because I also fear that harm may come to my husband and child whom I am separated for life, because I cannot return now to North Korea.

However, I am here today because I want to tell the world about what is going on, and appeal to the world, and be a voice for the countless North Korean women, and the mothers of the North Korean children, who died and were killed in trying to keep their honor.

Right now Kim Jong Un and the regime is testing nuclear weapons and threatening the world and claiming that they are strong.

They must feel shame and embarrassed that their own citizens have become targets of derision and ridicule in the world, and that their own people are being sold like animals and mistreated in another country; and when the people were tearfully trying to survive and eat, the regime took the aid and food that the international community sent and instead used that to make weapons to threaten the world that only desires peace – they must feel shame that they are the leaders of such a brazen-faced nation.

I also sincerely pray that God and the whole world will judge the regime that does not even care for or plan anything for its own people, and I earnestly plead that the world will help the weak and helpless North Korean refugee women who are dying today from hardships that are far worse than what I endured.

I close my testimony by asking for God's blessings – the blessings that he has bestowed on me – to be with all of you here today in this place, and with all the people who have a heart and compassion for the people of North Korea and who will help the North Korean defectors.

Thank you.

Mr. SMITH. You are a blessing. And I personally, and I am sure I am joined by members of the panel, thank God for your extraordinarily brave witness and for taking the time to tell us and the world exactly what you have been through and what so many others are going through as we meet. Thank you.

I would like to now yield to David Abramowitz.

**STATEMENT OF MR. DAVID ABRAMOWITZ, VICE PRESIDENT,
POLICY & GOVERNMENT RELATIONS, HUMANITY UNITED**

Mr. ABRAMOWITZ. Thank you, Mr. Chairman.

Mr. Chairman, Ranking Member Bass, Mr. Meadows, Mr. Weber, thank you for the kind introduction and for holding this very important hearing on one of the most terrible human rights abuses of our time and on one of the most effective tools to try to end it, the Trafficking in Persons Report.

Mr. Chairman, the TIP Report, which you helped create, increased the understanding of the scope of modern-day slavery and has raised the voices of the victims of this scourge.

And I also want to join you and everyone in the room in thanking Ms. Choe for having the courage to come forward today. Many of us have spoken to witnesses, and no matter how prepared you are, it is always a huge challenge to talk about your story, but it has a huge ability to enlighten all of us on what is really happening. And so I really wanted to thank her and Ms. Scholte for helping to bring her here today. Because it is imperative that the voices of the victims, who hopefully will all become survivors, are out in front in discussing this debate.

But not only does the TIP Report talk about the victims and survivors, but it also has been an incredibly effective tool to try to eliminate trafficking, reduce it, and to save lives.

And, Mr. Chairman, per your suggestion, I would love to have a document from the Alliance to End Slavery and Trafficking which lists a number of very important successes that the TIP Report has had over the years and helped save lives be entered into the record.

Mr. SMITH. Without objection, so ordered.

Mr. ABRAMOWITZ. However, Mr. Chairman, the sharp edge of the TIP Report must constantly be honed by applying the strongest facts and most rigorous analysis to its edge, or its value, as you indicated, Mr. Chairman, will diminish.

This is not easy. Ever since the initial TIP Report, regional specialists in the Department of State and elsewhere have clashed with those who argue for the strictest possible application of the legal standards in the Trafficking Victims Protection Act as they assess individual countries. As I detail in my testimony, Mr. Chairman, these clashes, in part, led to the swelling of the number of countries on the Tier II Watch List, which you mentioned, Mr. Chairman, which came to be viewed as a parking lot for countries whose efforts to combat trafficking were stagnating.

In order to address this situation, Mr. Chairman, as many of you have mentioned, in the 2008 Trafficking Reauthorization Act, a new requirement was put in that stated that after 2 years a country that was on the Watch List had to go down to Tier III, but giving the Secretary of State some discretion for an additional 2 years to keep them off of that Tier III list, which is where it is indicated

that they are not making significant efforts, if they have a written plan to try to stop trafficking, if there are funds for that plan, and if they are making efforts to implement the plan.

The automatic downgrade provision has led to successes over the last few years. Because of the concerns that countries had that they would be moved to Tier III, a number of countries did make a number of very important steps. And I mentioned a couple of those in my testimony. But now the Department faces the question of demotion to Tier III or promotion to Tier II for the six countries we are discussing today.

Mr. Chairman, when that provision was adopted by Congress and was signed by the President, what could not have been anticipated is that, at just the time when these decisions were coming due, there would be a new Secretary of State who would be going through these issues for the first time and that there would be a vacancy in a key position, which my colleague mentioned, the Under Secretary of State for Civilian Security, Democracy, and Human Rights.

I cannot tell you how important it is that the lack of a high-level voice because of that vacancy is very problematic. The Under Secretary can make sure that there is appropriate vetting of these decisions at the highest level in the Department. And it becomes difficult for those who are pushing for these issues to actually move forward and try to get the best possible results where that Under Secretary position is vacant.

But, Mr. Chairman, I think, as a couple of my fellow witnesses have indicated, we shouldn't be just focusing on these six countries. There are a number of other countries that are looming on the horizon—I mention a couple in my testimony—that could well be promoted this year so that they don't have to face the automatic downgrade next year. So while I really think this is a very important set of countries to be focusing on, as we look at the report when it comes out in June, we need to make sure that we are looking across a number of different countries to see what is happening.

Mr. Chairman, this automatic downgrade provision has had an important effect, I think, about how the Department does its analysis. Previously, the TIP Report really was a snapshot of what was happening in the particular country that was being assessed, what were the facts that year. And there were, as I discussed, disagreements about what those facts meant. But now, because of these efforts, people are looking at previous years or they are looking at what might happen next year in trying to determine how hard to fight on a particular country, how much emphasis there is. So I think that we need to think about that as we move forward.

Mr. Chairman, I am not an expert on the countries that are—the six countries. We have heard some very compelling testimony in the last few days. I do take two cases, two of the six cases, the Russian Federation and Uzbekistan, which have been described by my colleagues here.

My understanding is that Russia has done very little. And as we just heard from Mr. Campbell, to the extent that Uzbekistan has done anything, it seems that it substituted one form of forced labor for another.

These two countries suggest a key methodology for reviewing all six cases as well as the others. And Ambassador Lagon referred to this, I think, as did some of the other witnesses. There is a written action plan, supposedly. I wonder, after Mr. Campbell's testimony, whether Uzbekistan really ever had a real adopted national action plan. But under the provisions that extended these countries from being not put down on the Tier III list, there is supposed to be a written action plan. That was the basis for the waiver.

So when we look at this coming report, what have they done with that action plan? Which parts of it were implemented? Which parts were funded? That is actually an objective basis for determining whether the State Department has actually applied the law to the facts.

Similarly, what were the recommendations in the TIP Report for each country? Each country has a list of a number of recommendations. Several of those were read. They are listed out in my testimony for those two countries. Were any of those recommendations adopted? Was only one of them?

For example, in Russia, we understand that there was a shelter that was opened in St. Petersburg. I laud that step—or is about to be. I laud that step. But when you look at all of the other criteria and all the other recommendations, as was described by my colleagues, it seems that that is a very small step compared to what our own State Department says it should be doing. So we have some objective criteria to base these countries on when we do that analysis.

In terms of Uzbekistan and the Russian Federation, Mr. Chairman, you know, as far as I can tell, with respect to both those questions, the action plan and the TIP Report, the answer is “nyet,” they have not done what they are supposed to have done. And it seems difficult for me to think that either of them would be promoted to Tier II. And, as I said, I suggest that a range of countries should face a similar analysis.

Mr. Chairman, there are a number of recommendations in my testimony for steps that we can take to try to support those who are trying to have the most honest report possible. I think that President Obama and Secretary of State Kerry need to speak out about how they expect a report that has integrity, that is based on facts, is actually going to be produced. Often, in these cases where there is a transition like this, the mid-level officials at the Department have a lot more discretion on anything other than the top key issues. So I think they need to send a signal to the staff that they are going to be looking carefully at this.

Congress needs to speak out early and often. And I really commend you, Mr. Chairman and Ranking Member Bass, for holding this hearing. It is exactly the kind of thing that needs to be done. But more needs to be done over time. As I have said before, Mr. Chairman, and as Mr. Campbell was suggesting, we need to bring these issues to key officials of the Department every time they come and appear before Congress. You often have assistant secretaries coming up. There are issues that can be raised to say that this is really a priority for all the members of the committee across a wide range.

We need to maintain or increase key anti-trafficking assistance programs. Mr. Chairman, with your support, the TIP Office has had foreign assistance money that they have been able to use where the TIP Report has identified key weaknesses, and said to the bureaus themselves and to the country, we can offer resources to try to create change in this area. That increases collaboration, and that also allows for the country to feel that they are not just being lectured to but the United States is prepared to make a change.

This is a program that has been oversubscribed; it gets hundreds of grant applications every year. The TIP Office has really increased its ability to implement these programs. And I was pleased that the President in his budget request maintained this account at last year's level, when other accounts were facing cuts. But I do think it is one of those programs, because it really makes a difference, that is worthy of consideration in terms of an increase.

Mr. Chairman, as I indicated, I think that we are really going to have to look at this TIP Report very carefully because of the absence of the Under Secretary, because of these key decisions.

And I really think that you should consider talking to the Congressional Research Service and seeing if they can do an analysis, historically and what is happening today, talking to some of the regional experts, to try to provide us with the best possible analysis of how this report actually stacks up against others. Sometimes we in the nongovernmental organization community, civil society, we don't have access to the written plans. You can get access to some of these written plans, and it could really help us understand what their analysis is.

Finally, Mr. Chairman, depending on how things go, you know, we should think about whether we have the right mechanism in place. I don't think we need to answer that question. We have to see what happens this year with this report, and maybe even in next year's report, to see what is happening with this provision. But I do think there are some questions about whether we have the right mechanism. I list some of those in my testimony.

Mr. Chairman, my written testimony discusses a number of lessons we have learned over the last 10 years and gaps that are still in the field, including areas that the TIP Report might want to address in the future, issues like supply chains, issues like foreign labor recruiters, child welfare reform that Ms. Bass has been so engaged in. All these issues are really frontier issues that we need to focus on here but also other countries need to focus on. And I would be happy to talk about those when we get to questions and answers.

Mr. Chairman, members of the subcommittee, we have obviously learned much since the TVPA was enacted, but we still have a long distance to travel. We in civil society stand ready to work with you to try to see how we can march further toward the path of eradicating modern-day slavery from the world today.

Thank you, Mr. Chairman.

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

[The prepared statement of Mr. Abramowitz follows:]

Testimony by David S. Abramowitz
Vice President of Policy and Government Relations
Humanity United
Before the Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
House Committee on Foreign Affairs
Of the United States Senate
April 18, 2013
Tier Rankings in the Fight Against Human Trafficking

Mr. Chairman, Ranking Member Bass, and other distinguished members of the Subcommittee, thank you for holding this hearing on one of the most terrible human rights abuses of our times—the widespread occurrence of modern-day slavery and human trafficking, and thank you for giving me the opportunity to testify today.

Mr. Chairman, I am the Vice President of Policy and Government Relations at Humanity United. Humanity United is a philanthropic organization based in San Francisco, California that works to build peace and advance human freedom around the globe. In its work to advance human freedom by combating modern-day slavery, HU has three approaches:

- Working in places where the problem is greatest, with a particular focus on South Asia, starting with Nepal;
- Engaging corporations to address modern-day slavery in supply chains; and
- Advancing U.S. leadership in the fight against modern-day slavery, including supporting the Alliance to End Slavery and Trafficking (ATEST), a coalition of 12 U.S.-based human rights organizations that address all forms of human trafficking and modern-day slavery.

I. Scope and Nature of Trafficking in Persons and Modern-Day Slavery

Mr. Chairman, human trafficking continues to inflict suffering on tens of millions of people around the world. It is one of the most pressing human rights challenges of our time, yet also crosses over into such diverse areas as transnational crime, international humanitarian law, international development, domestic and international labor frameworks, and migration, among others.

In 2012, the International Labor Organization (ILO) issued a new report on the prevalence of forced labor, using a definition that substantially overlaps with most forms of human trafficking and modern-day slavery. ILO estimates that at any given moment, 20.9 million suffer from these abuses,¹ with private estimates ranging as high as 27 million. The UN Office of Drugs and Crimes has cited estimates that human trafficking in all its forms yields \$32 billion dollars in profits every year.² And despite this Committee's good work and international efforts by a wide array of countries, some believe that the worldwide economic downturn has led to a surge in human trafficking as those desperate for some way to sustain themselves become more vulnerable to the predators who perpetuate modern-day slavery.³

Mr. Chairman, this is not a matter of numbers: each individual story of tremendous suffering and exploitation is a human rights tragedy that violates our values and

¹ ILO Global Estimate of Forced Labour, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---

² <http://www.unodc.org/unodc/en/frontpage/abolishing-slavery-eradicating-human-trafficking.html>

³ David Arkless, Manpower, Inc., Speech at Carnegie Council, February 18, 2010, reprinted at <http://www.carnegiecouncil.org/resources/transcripts/0260.html>

beliefs. As you know, this is also not a far away problem that affects distant lands. It remains a shock to most Americans, but thousands of adults are trafficked into forced or exploitative labor situations right here in the United States. Some experts estimate that 200,000 to 300,000 U.S. children and youth are at risk of being trafficked into commercial sex.⁴ Moreover, the total number of calls each year to the National Human Trafficking Resource Center (NHTRC) hotline, funded by the U.S. Department of Health and Human Resources and operated by Polaris Project, a non-governmental organization, has grown by 338 percent from 5,748 total calls in 2008 to 19,427 in 2011.⁵

Each victim of trafficking and modern-day slavery deserves to become a survivor. They deserve the assurance their own lives will be protected, their perpetrators will be convicted, and the trafficking of others will be prevented. And we need to help raise their voices.

II. The TIP Report and its Tier Rankings as a Tool for Change

In that regard, Mr. Chairman, this Committee has been a leader in creating and implementing a framework for U.S. and international efforts to combat human trafficking. It has now been over 10 years since the Trafficking Victims Protection Act of 2000 (TVPA) was signed in to law. That legislation, introduced by you Mr. Chairman, and former Representative Gejdenson of Connecticut, with the bipartisan support of the late Senator Wellstone of Minnesota and Senator Brownback of Kansas has been implemented vigorously by three Administrations under Presidents from both political parties.

In addition to establishing the framework of preventing trafficking, protecting victims, and prosecuting perpetrators, the TVPA of 2000 required an annual report on human trafficking, to be prepared by the Office to Monitor and Combat Trafficking in Persons (O/TIP), on the state of human trafficking around the world, which is commonly known as the TIP Report. The report rates countries as to whether they are meeting the minimum standards contained in the Act, whether they are making significant efforts to do so, or whether they are failing to even make such efforts at all.

A. Successes of the TIP Report

Before discussing the TIP Report's tier system, let me first remind the Committee of the amazing developments that have occurred as a result of your actions in creating this extraordinary human rights tool. Facing the exposure of terrible abuses within their border, real change has occurred. I ask that a document compiled by the Alliance to End Slavery and Trafficking (ATEST), which lists a

⁴ <http://ecpatusa.org/2011/10/ecpat-usa-turns-20/>

⁵ This number reflects both crisis calls by victims but also tips and other communications. <http://www.polarisproject.org/resources/hotline-statistics>

number of these successes, be entered into the record. This document demonstrates that from Cambodia to the countries of the Gulf, from Ghana to the Philippines, the TVPA and TIP Report have fostered real change that have reduced abuses and saved lives.

Mr. Chairman, the TIP Report is the premier tool in the United States Government's toolbox to foster change in other countries. In combination with assistance from the United States to help countries with projects in those areas where a country is weakest, the TIP Report can open a dialogue, not only between the United States and the country that has its challenges, but also with civil society who can engage with their own government in a more transparent environment created by the TIP Report's analysis. Between moving the country to act, and then providing funds to help them take first steps, the TIP Report and complementary assistance programs can and have created real change on the ground.

B. Tier Rankings and Their Evolution

However, Mr. Chairman, the sharp edge of the TIP Report must constantly be honed by applying the strongest facts and most rigorous analysis to its edge, or it otherwise risks being dulled to the point of being unusable. The credibility of the TIP Report is one of its most important assets, and any time other considerations creep in, the vulnerable are the ones that suffer.

As you know, Mr. Chairman, the original TVPA of 2000 established three so-called "tiers" as part of the statutory reporting requirement. Tier 1 is for countries that meet the minimum standards established by the law; Tier 2 is for countries that do not meet the minimum standards but are making significant efforts to do so; and Tier 3 is for countries that do not meet the minimum standards. The genius of the TIP Report is, and remains, that there are consequences of the so-called "tier rating" system. These consequences are both moral and actual: Countries do not want to be known as having failed to meet minimum standards on modern slavery, and by not doing so, countries face the cutoff of non-humanitarian, non-trade related U.S. foreign assistance.

We must be frank here, Mr. Chairman: Ever since the initial TIP Report, difficult debates have occurred within the U.S. State Department surrounding how to apply the minimum standards to the facts for the countries being assessed. While the importance of human rights in our foreign policy has been steadily growing since the establishment of the Democracy, Human Rights and Labor Bureau in 1977, this perspective remains one of many through which the United States views its relationships around the world. In making judgments regarding whether a country meets minimum standards, there has always been a clash between regional specialists within the Department who would try to magnify the gains in a particular year in a specific country in order to achieve a higher tier ranking, and others who would argue for the strictest possible application of the legal standards to try to foster change that the TVPA was designed to achieve.

This dynamic led to a situation in which at times countries that should have been placed in a lower category were instead moved to a higher category. For example, countries that had taken some modest steps were deemed to have been making significant efforts, therefore placed in the Tier 2 category and avoided facing sanctions. Over the years, Tier 2 in particular swelled, and countries that were actually making real progress were lumped together with countries that were making hardly any efforts, or at least refraining from taking the necessary action that reflected the scope and nature of the trafficking in persons problem in that country.

Congress responded to this tendency by the State Department to have an increasingly broad category of countries that were making “significant efforts” to combat trafficking in persons by creating the so-called “Tier 2 Watch List.” These amendments to the TVPA mandated that countries who were judged as making such efforts but who met any of the following criteria would be put in a sub-category and would meet heightened reporting requirements:

- 1) The absolute number of victims of severe forms of trafficking in persons is very significant or significantly growing;
- 2) There is a failure to provide evidence of increasing efforts to combat trafficking in persons; or
- 3) The determination that a country is making significant efforts is based on commitments to take additional steps over the next year (as opposed to having taken actual steps).

This revised approach to the tier-ranking system distinguished between countries that were doing more and those that still needed to increase their activities. It was hoped that the Tier 2 Watch List would incentivize countries to improve their tier ranking, or, if their efforts stagnated, to fear moving to Tier 3 and face moral approbation and sanctions.

The new Tier 2 Watch List generally succeeded in the first goal, but over time was less effective in encouraging countries on the list to take further and bolder action. Civil society advocates and others started viewing the Tier 2 Watch List as a “parking lot” where countries whose efforts to combat trafficking were stagnating would remain. No real progress in combating trafficking and helping victims was achieved, yet at the same time these countries were escaping the moral pressure and the sanctions that would have been applied had they been declared as not making significant efforts.

C. The “Automatic Downgrade” Provision

In order to further address this situation, the 2008 William Wilberforce Trafficking Victims Reauthorization Act modified the TVPA’s approach to the Tier 2 Watch List. Congress established a new requirement that countries be moved to Tier 3 if they

stayed on the Watch List for two consecutive years. The Secretary of State was given authority to keep a country off the Tier 3 list for up to two additional years if the country had a written plan that, if implemented, would amount to "significant efforts" and if the country was devoting sufficient resources to implement the plan. This "automatic downgrade" provision was viewed with some alarm among many in the State Department and a number of important countries, such as India, Thailand, China, and the Russian Federation, that were perennial members of the Tier 2 Watch List. And there were successes that came out of this system: The Philippines made some stunning progress, ancient child begging practices came under assault in Africa, and new laws and actions were seen around the world. In Cameroon, for example, after four years on the Tier 2 Watch List, the government finally adopted a new framework anti-trafficking statute, a result that was promoted in part by this provision.

The Administration now faces decisions on several countries as to whether to allow the automatic downgrade provision to function as it was intended or determine that enough progress has been made that countries deserve to be upgraded to Tier 2. I understand that the Subcommittee has identified six countries that face the automatic downgrade: Azerbaijan, China, the Republic of Congo, Iraq, the Russian Federation, and Uzbekistan. What the State Department does with respect to these countries and other countries that loom on the horizon, as I will discuss, will say much about the new leadership that has been or is being appointed at the Department.

Mr. Chairman, I am sure that, given the history and dynamic I described, pushing for this automatic downgrade provision was seen as taking some risks. What could not have been anticipated is that just at the time that these decisions were being made, there would be a new Secretary of State who would be going through these issues for the first time, and there would be a vacancy in a key position, the Under Secretary of State for Civilian Security, Democracy and Human Rights. As differences of perspective emerge in the Department, the Under Secretary can be a powerful voice for ensuring that the most difficult issues in the TIP Report get the appropriate vetting and consideration as final tier ranking decisions are made. A vacancy in this position at this time is a regrettable coincidence that increases the risk that national security and foreign policy perspectives will trump the human rights considerations that should always be at the forefront of this issue.

Finally, Mr. Chairman, I sense that the automatic downgrade provisions is having another effect: There is an increasing effort to try to prevent countries from being placed on the Tier 2 Watch List at all. Of course if successful, this result means that a country is off the track created by the automatic downgrade provisions altogether. We need to do an examination of not only the six countries that your Subcommittee has identified, but also of countries that are upgraded from the Tier 2 Watch List, or at least countries that we know have a significant absolute number of victims, yet are not placed on the Watch List. In effect, Mr. Chairman, the TIP Report has been transformed from a snapshot in time based on the facts at hand to a report where

past behavior may affect the narrative or tier ranking of a particular country. If the 2013 and future TIP reports reflect increasingly positive judgments, the end result of the automatic downgrade provisions may be an outcome that no one predicted: The “automatic downgrade” has become an “automatic upgrade” provision, and the parking lot will empty. One country to highlight in this regard is Thailand. This year, the Secretary retains the authority to waive the placement of Thailand on Tier 3, but next year he cannot. The country narrative and assessment of this country bears close scrutiny, particularly since the Thai Government has apparently threatened the arrest of a foreign national who is trying to publicize and help organize exploited workers in the shrimp peeling sheds on the Thai coast.⁶

D. Countries Facing Automatic Downgrade

Mr. Chairman, there are other experts on the specific six countries that the Subcommittee has identified, but let me make a few observations on two key countries for illustrative purposes.

The Russian Federation. Mr. Chairman, the Russian Federation has had significant problems for each year it has been in the TIP Report. The country has been on the Tier 2 Watch List since at least 2005 and is the definition of what it means for a country to be in a “parking lot.” It is estimated that among 80,000 to 130,000 sex trafficking victims are in Moscow alone, 20 to 25% of who are minors. According to one analysis, “Moscow police indicated that more than 70,000 victims of trafficking for prostitution are in Moscow, of which 80 per cent are underage children.”⁷ Organized criminal networks and lack of public awareness around trafficking are obstacles to combating trafficking in persons, with victims seen as criminals, especially foreign nationals in the country.

The 2011 TIP Report and 2012 TIP Report placed the Russian Federation on the Tier 2 Watch List because “the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking.” However, for two years in a row the country has failed to implement the written plan, and I see little evidence that it has done so in 2012. For example, the Russian Federation withdrew from an agreement that provided help from the United States in fighting human trafficking and improving the rule of law, with Prime Minister Medvedev reporting that the agreement failed to reflect current “realities.”⁸ The State Department’s Interim Report on Tier 2 Watch List countries indicates that the country has reached an

⁶ David Eimer, British human rights activist faces Thai jail threat, THE TELEGRAPH, Feb. 28, 2013, <http://www.telegraph.co.uk/news/worldnews/asia/thailand/9900745/British-human-rights-activist-faces-Thai-jail-threat.html>

⁷ http://ecpat.net/EI/Publications/Trafficking/Factsheet_Russia.pdf

⁸ The move comes after a back and forth set off by the Magnitsky Act, which imposes visa and financial sanctions by the United States on corrupt Russian officials. <http://www.bostonglobe.com/news/world/2013/01/31/russia-drops-help-fighting-drugs-human-trafficking/SiYtyXHtoNFiXuoHKV0LTJ/story.html>

agreement with the International Organization for Migration (IOM) to set up a shelter in St. Petersburg. This step is no doubt welcome but, on its own, seems a weak basis for an upgrade to Tier 2. Indeed, the 2012 TIP Report provides a number of recommendations for the Russian Federation, including developing guidance for law enforcement, labor inspectors, and health officials for identifying trafficking victims and referring them to social services; reversing policies permitting victims to be detained or punished after being trafficked; increasing prosecutions of perpetrators and complicit government officials; and taking steps to prevent forced labor from being used in construction projects, including for the 2014 Sochi Winter Olympics. I am not aware of any action by the Russian Federation to address these recommendations.

Uzbekistan. I believe that Uzbekistan presents a problematic situation where there is a clash between national security and human rights priorities. The cotton fields of Uzbekistan have long been a scene of forced labor and child labor. Reports have concluded that government officials have forced children to leave schools across the country to pick cotton during the harvest season. The ILO Committee on the Application of Standards has noted the lack of progress in addressing forced child labor and “expressed its serious concern at the insufficient political will and the lack of transparency of the Government to address the issue of forced child labor in cotton harvesting.” ILO called for a special high-level mission of experts to monitor the cotton harvest to ensure that forced labor is not employed; Uzbekistan has rejected the assistance of the ILO.⁹

In January 2013, the Uzbek government acknowledged the problem of human trafficking in the country. Samariddin Mamashakirov of the State Agency for External Labor Migration reportedly said that the “main cause of human trafficking crimes is high unemployment levels.”¹⁰ Yet it does not appear that the Uzbek Government has taken many real steps in this regard. The Government appears to have tried to appease the international community by reducing the number of children forced to pick cotton by forcing more adults into the fields, and at the same time continuing to allow the long-standing tradition of taking children out of school during the two harvest seasons.¹¹ The State Department’s own Interim assessment from last month suggests that children below the age of 15 have been withdrawn from the cotton fields, but that government-organized forced labor of 15 to 17 year olds and adults continue, assuredly to fill the gap. In addition, as far as I am aware, other recommendations from the 2012 TIP Report remain unmet, including prosecuting government officials suspected to be complicit in forced labor, allowing ILO experts to conduct an independent assessment, and ensuring that identified victims are not punished for acts committed as a result of being trafficked.

⁹ <http://www.laborrights.org/stop-child-forced-labor/cotton-campaign/news/12529>

¹⁰ <http://www.eurasianet.org/node/66413>

¹¹ <http://www.cottoncampaign.org/>

This basic narrative on these two countries points to a key methodology for reviewing all six cases:

- 1) What was in the country's written action plan that was the basis for the waiver over the last two years, and has the country funded and implemented the plan?
- 2) What recommendations were in the 2012 TIP Report and have they been taken up and implemented?

E. Recommendations for the U.S. Government

This situation requires continuing recommitment to the integrity of the TIP Report and key U.S. Government officials' personal involvement. With a transition in staff in critical positions at both the State Department and the National Security staff, vigilance is necessary. Here are a few suggestions to move forward:

1. President Obama should recommit to the transparency and integrity of the TIP Report. The Secretary of State makes the decisions on the TIP Report's tier rankings, while the President makes decisions regarding the application of sanctions to countries that are ranked as Tier 3 countries. However, the President and his staff can signal to the State Department, particularly during this period of transition, that they expect the State Department to make judgments based on the applicable facts, not aspirations or attenuated argument. This assessment could go a long way to supporting those who seek the best possible report. I had hoped that this point could have been made during the scheduled meeting of the Presidential Interagency Task Force (PITF), but the formal meeting has been postponed because of Secretary Kerry's travel schedule.
2. Secretary Kerry and his key aides should also signal their interest in fact-based assessments. In a period of transition, as a new team is still forming, established mid-level policy makers are often conferred greater discretion on any issue other than those at the top of the foreign policy agenda. Particularly in the absence of key senior officials, the Secretary of State and his key staff can set a tone on issues such as human trafficking. I have not seen such statements to date, except for the supportive statement that Secretary Kerry made at the April 9 White House public event on human trafficking.
3. Congress needs to speak out early and often. Congress needs to pay sustained attention to these issues or risk watching from the outside. I commend you, Mr. Chairman and Ranking Member Bass, for holding this hearing before the TIP Report is released and as the determinations on the tier-rankings are being made as an example of how these goals could be accomplished. Direct contact with the State Department, as I understand you may be planning, is yet another method I support.

In addition, members in both the House and the Senate need to question the full range of State Department officials on key countries in their region. Every confirmation hearing and every regional review should contain questions on human trafficking, asked publicly at best and as questions for the record if necessary. Regional Assistant Secretaries and Ambassadors in key countries need to see this issue as a priority by a wide range of policy-makers on Capitol Hill. We stand ready to help provide input on identifying key countries and questions.

4. Maintain or increase key anti-trafficking assistance programs. I cannot reiterate how much having funds to address human trafficking weaknesses in the TIP Report can make a real difference in the ability to foster better collaboration within the Department and create real change on the ground. I was gratified that the President's FY14 budget request did not decrease funding for this J/TIP's assistance program, but because of its effectiveness and because the grant program has been oversubscribed, and I believe this account deserves an increase.

5. Rigorously review the TIP Report. Congress should also spend resources on a careful evaluation of the TIP Report. As I mentioned, not only are the specific countries we have identified on the Tier 2 Watch List important for rigorous review, but also key countries that may have moved up to, or continue to be placed on, the Tier 2 category need to be examined carefully. The Congressional Research Service has developed some excellent products on Trafficking in Persons and such an analysis, including exchanges with regional TIP experts, could be critical for the oversight of the Department.

The last few TIP Reports have pointed toward one approach to this analysis, as I discussed above. With respect to many countries that have been on the Tier 2 Watch List, the "automatic downgrade provision" phase-in period has led to written plans for many countries which, if fully implemented, have been declared by the State Department to be sufficient to demonstrate that the particular country has made significant efforts to combat trafficking in persons. This is a key benchmark and one to which this Committee should hold those countries and the State Department accountable: If the written plans are not being implemented, and recommendations contained in prior TIP Report not adopted, it would appear that these countries cannot move up to Tier 2.

6. Consider legislative reform. We also need to be ready to review the existing mechanism. If this year's TIP Report or subsequent Reports reflect that the right incentives are not in place, we should not be afraid to consider statutory fixes that might get it right. Is the "auto-downgrade" provision working? Is the two-year standard appropriate, or should it be expanded? Does the waiver to the automatic downgrade provision actually benefit the Report? Is the State Department structured properly to get the best results? Should Congress or the State Department itself make the TIP Office a bureau? We should not be afraid to ask these questions as we consider the Report that is about to come out, although I think

the focus now should be on minimizing the influence of factors other than those directly related to human trafficking.

III. Lessons from the Last Ten Years and Current Gaps and Opportunities

A. Lessons learned from the last ten years

As we look forward, Mr. Chairman, we should also think about the lessons we have learned over the last 10 years, a few of which I will highlight here.

First, Mr. Chairman, we have learned so much about the many forms and pernicious nature of this abuse, which is less visible and harder to identify than in previous centuries. Instead of shackles and chains, traffickers use debt, coercion, fear, and intimidation. Actions of modern-day slavers include seizing travel documents, creating hidden fees that become impossible debts to pay off, and threatening police retribution or violence against family members at home if the victim tries to leave.

Yet the public remains confused about these techniques. Humanity United recently commissioned research on U.S. commodities and their relationship with slave labor. Findings suggest that the average citizen still focuses too often on the physical inability to leave, rather than these more subtle forms of coercion. This antiquated public perception is something that we need to change if we expect the broader public to become fully engaged on the full spectrum of issues that are of concern. The good news is that once some of these phenomena are explained, they have a stronger reaction to modern-day slavery.

Second, we have learned that the sometimes-divisive dichotomy between sex and labor trafficking is an unhelpful lens for examining this phenomenon, as sexual abuse is a driver of vulnerability and those exploited for labor also find themselves sexually exploited as well. When I was in Nepal in 2010, service providers suggested that the figure for such dual exploitation is as high as 90 percent of those who have migrated, a figure I found shocking.

Third, given our understanding that in any given week each of us may well have eaten, driven, dressed, or texted with some product that is made, at least in part, with forced labor or slavery, we must look to a wider range of actors to really impact this problem.

Fourth, and in that connection, the multi-dimensional challenges of this issue requires us to collectively address this abuse from all its different perspectives. Whether one views trafficking and slavery through a prism of human rights, transnational crime, labor violations, humanitarian law, migration, sexual violence, child welfare, or other varied frameworks, we must all come together and find new ways to collaborate with each other in order to create a comprehensive approach to this issue. Let me give one example of how this comprehensive approach is evolving: Even though domestic service in homes has often been excluded from

traditional “work” and therefore has remained unregulated, last year a new convention negotiated under the auspices of the ILO was developed that will help prevent abuses by creating a new framework to protect those who are all too often exploited out of sight of everyone but the abuser.¹² We are not there yet, but we are getting there.

B. Gaps that need to be filled

Mr. Chairman, at Humanity United we believe there are achievable solutions to this heinous abuse. Ending human trafficking and slavery requires a unity of effort between civil society, the private sector, and governments around the world. Non-governmental organizations and law enforcement can reach out to communities to educate at the local level, help free victims, and provide essential services to survivors, as well as advocate for improved policies and practices. The private sector can help ensure that its supply chains are free of slavery and labor exploitation, down to the raw material level, and that their employees do not personally reap the benefits of trafficking. Philanthropic institutions can fund and produce new learning from path-breaking initiatives. And governments can ensure that they are not inadvertently involved in modern-day slavery and can also institute policies and fund programs that can reduce and eventually eliminate widespread use of these human rights crimes in individual countries.

There are some specific gaps that all sectors need to address and which the TIP Report should consider over time:

Improve data collection. While the field has compiled more accurate data, we still need more information to help us understand how to disrupt trafficking rings and help victims, both by the United States and other countries. I commend the Administration for engaging more deeply in this area as part of the initiatives coming out of the President’s speech in September 2012, and the ongoing efforts by several agencies; I would emphasize that intelligence collections could be increased in this area. There is also an important effort being launched by Google, the Polaris Project, and Palantir to improve information sharing across borders to better understand flows and help victims in several countries. And ATEST has been talking to the National Academy of Sciences to see what kind of contribution they could make to this field. Mr. Chairman, the lack of accurate data in other countries is even more acute, and can be the basis for underreporting victims in such a way that it makes countries look more successful than they otherwise are.

Address foreign labor recruiters. Mr. Chairman, the governments and the business community need to address the issue of foreign labor recruiters and brokers—one of the leading drivers of the phenomenon of slavery and trafficking today. Using clever lures and subtle forms of coercion, unregulated and unscrupulous labor

¹² International Labour Organization, Convention Concerning Decent Work for Domestic Workers (No. 189), 2011, available at <http://www.ilo.org/dyn/normlex/en/?p=1000:12000:0::NO::>

brokers can induce people to cross borders thinking that they are going for legal work, only to trap them into modern-day slavery. Mr. Chairman, you are very familiar, so I will not go into great detail, but it would be remiss not to note that this is happening not just in the brothels of Phnom Penh or in the rice mills of southern India, but also right here in the United States.

ATEST has been pushing for legislative reform in this area, and the future flow component of Comprehensive Immigration Reform may serve as a basis for renewed attention to this issue. U.S. Government action in this area could serve as a model for governments around the world and could be part of future annual human trafficking reviews. We look forward to working with you and others to see what kind of change could happen in this area.

Bring the child welfare system to bear on human trafficking. It is increasingly clear that children who are the subject of human trafficking often come into contact with the child welfare system. Yet the child welfare system is not set up to identify or to address the unique needs of this population. I commend Ranking Member Bass for her work in this area and believe there is much to be done in partnership between federal and state governments, as well as the juvenile justice and child welfare systems, and civil society more generally. There may be models outside the United States, where I understand that social service systems already incorporate protocols on human trafficking.

Address supply chains. The issue of addressing corporate supply chains is beyond the scope of this hearing. Nonetheless, it is a key area. The President's recent Executive Order on human trafficking designed to keep trafficking out of U.S. supply chains is a critical initiative and one that should be followed closely. Draft regulations should be coming out soon, and their depth will suggest whether real progress can be made. This effort, which you, Mr. Chairman, have been pushing for years, may take deeper hold in its most recent incarnation and again can serve as a model for other countries around the world.

Develop smart interventions for vulnerable communities and populations. Mr. Chairman, we also need to continue to develop smart interventions at the local level to prevent trafficking, address survivor needs, and reduce vulnerability. USAID's new Counter-Trafficking in Persons Policy released earlier this year is an example of how programs on education, micro-credit, and other locally based development tools can be targeted toward vulnerable communities in ways that can help reduce the prevalence of modern-day slavery. Moreover, survivors and at-risk communities need to become empowered for self-protection and organized to demand change from institutions that should be accountable to them. In my view, this integrated approach is critical, not only abroad but here at home. That is why Humanity United, in partnership with the U.S. Government, launched the Partnership for Freedom, designed to create innovative approaches and integrated services for survivors found here in the United States. We should be looking at how the post-2015 millennium development goals could bring more inclusive

development to populations that are vulnerable to human trafficking, even as the rest of the country's population's goals are met or exceeded.

IV. Conclusion

Mr. Chairman, Ranking Member Bass, the TIP Report remains a critical element of the global fight against human trafficking, and we have obviously learned much about in the last ten years since the TVPA. But we still have a distance to travel. As we move past the 150th anniversary of the signing of the Emancipation Proclamation, we must be humbled that slavery remains present around the United States and abroad. If this Subcommittee continues to act in a bipartisan manner, you can ensure an even greater impact, save ever more victims, and help the exploited in their journey to move beyond their terrible experience and become survivors. We in civil society stand ready to deepen the conversation and work with you to ensure that together as partners, we are on the path toward eradicating human trafficking and modern-day slavery and advancing the cause of human freedom.

Thank you, Mr. Chairman, and Ranking Member Bass for all the work you have done on this critical issue.

Mr. SMITH. I would like to now yield to Ms. Smolenski.

STATEMENT OF MS. CAROL SMOLENSKI, EXECUTIVE DIRECTOR, END CHILD PROSTITUTION AND CHILD TRAFFICKING-USA

Ms. SMOLENSKI. Thank you. Good afternoon, Chairman Smith, Ranking Member Bass, and other distinguished members of the committee.

I am very daunted and impressed by the amazing work of my fellow panelists here today. So I really applaud you, and I am amazed by the expertise up here.

I am Carol Smolenski, executive director of ECPAT-USA. We are the U.S. branch of an international network of organizations that works in 73 countries to protect children from sexual exploitation. So I am with the ECPAT-USA group, but we are part of an international network, so we kind of have a foot in both worlds.

I am going to be discussing today the U.S. position, and the U.S. position in the TIP Report, but kind of with a little bit of a tinge of the international perspective.

ECPAT came into existence in 1991 in Asia with the recognition of the large number of kids being sold into the sex trade, partly to meet the demand coming from foreigners. As a representative of what we call the tourist-sending country in the United States, we started ECPAT here to stop this horrific international child sex tourism trade, but since 1996 we have expanded our mission to fight against all forms of sexual exploitation of children. We do advocacy, awareness, policy, and legislative activities still on the child sex tourism issue but also to end the exploitation and trafficking of children in the United States.

So as a member of this international network, I am proud to serve as the representative from the U.S. The U.S. is a leader on child welfare. My colleagues in other countries often look at the child protection system in the U.S. as a model because it is worthy of emulating. So I also bring this perspective to my comments today.

So it was an important step in 2010 when the U.S. Department of State included the U.S. in the tier system. I had so often received questions from my colleagues around the world about why the U.S. did not hold itself to the same standard as it held other countries. So it was of powerful symbolic and diplomatic importance for the U.S. to now list itself in the tier ranking.

I think we benefit as a society when our Government publicly reports honestly and transparently how it addresses the crimes relating to human trafficking. As part of this reporting process, we also see that much more can be done for child victims of human trafficking in the U.S.

The 2012 report, for example, shows that children who are sexually exploited are still being arrested, rather than offered support and protection, although the numbers are lower than in previous years, so that is good. It also shows that few children trafficked from other countries are being identified and offered assistance as trafficking victims.

The government, of course, does support various initiatives to counter human trafficking, but we are far from achieving a level

of care for trafficked youth in the United States that I expect from my country.

Prevention is everything. It is a disappointment that we do not yet have a laser-like focus on preventing vulnerable children from being ensnared by traffickers in the first place.

As shocking as it is to most people, in the United States children are exploited and sold in the sex trade. Frequently, they are children who were sexually abused at home by a family member or a family friend, children who ran away or were thrown out of their homes, or children in the foster care system, as Ranking Member Bass has eloquently pointed out.

Despite having a nationwide child welfare system in place that is very admirable in many ways, clearly there is something wrong. What we have found is that the majority of workers in the child welfare system are not effectively equipped to identify a trafficked child. They don't know the indicators of human trafficking, and they don't know how to help them when they do identify one, partly because of the myriad special needs that these children have.

Some State child welfare agencies are coming around to understanding this population of children, but we need our existing system to come around faster because no one wants to think of a child spending one more night in the hands of a pimp or a trafficker.

And it is for this reason that we strongly support legislation that was introduced last session, led by Representative Bass, to strengthen the child welfare response to human trafficking. Legislation like this will help us get to a place where we can find and assist the most vulnerable children living among us.

And we have to get this right. We have to do it right here in the U.S., because when we do it right, the U.S. will be able to report on this in the TIP Report and in other international fora and become a model for other countries to look at this is how the U.S. does it, this is how we should be following along. I love it when we are in the lead on these issues.

As an anti-trafficking organization, ECPAT has often led the conversation on the diverse populations of youth who are at risk for trafficking. We have a long history of partnering with other trafficking groups. Today we are an active member of the Alliance to End Slavery and Trafficking, or ATEST, a coalition of 12 anti-trafficking groups. But it is clear that there are many other interest groups and communities that also need to work with us to protect children and have to be part of this discussion. The juvenile justice system, runaway and homeless youth organizations, and schools all have to be part of an energetic network taking responsibility for making sure every child in the U.S. is safe from trafficking and exploitation.

We hope that the new Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States will take on this challenge and drive all child- and youth-focused agencies to play an active role. We will be commenting on that new plan and specifically recommending that it include a set of strategies aimed specifically for child victims of human trafficking, both sex and labor.

Another area where the U.S. needs to live up to international standards is in combating child sex tourism. Many countries have

put in place public and private educational awareness campaigns to educate travelers that it is against the law to exploit children in every country. In the airport in Costa Rica, there are signs reminding incoming tourists that it is a country that protects its children. A similar campaign has taken place in Brazil. A number of countries' airlines have run in-flight videos; Air Canada is currently considering one. Some countries, like the Netherlands and France, have made posters and fliers available to outbound tourists, again, reminding their citizens that it is against the law everywhere to sexually exploit children.

The U.S. Government and U.S. industry have never taken on this type of overt public campaign, despite the fact that we have a strong Federal law against child sex tourism. We have to do more. Also, how can the U.S. give countries a low ranking for having a large sex tourism industry when it is often Americans who are the ones who are traveling there to exploit the local population to begin with? We have to do something about this, and I really recommend a public education campaign.

Let me just talk for a minute about international standards for protecting children. ECPAT, of course, believes it is in the U.S.'s best interests for the U.S. to join the community of countries that have ratified the Convention on the Rights of the Child.

The U.S. Government has ratified the optional protocol to the U.N. Convention on the Sale of Children, Child Prostitution, and Child Pornography. Our implementation of the optional protocol was recently reviewed by the U.N. Committee on the Rights of the Child, and the committee recently published its concluding observations and expansive 14-page report, which I can give you if you want. And I am attaching to my testimony a 3-page summary of the committees's recommendations.

But just briefly, in general, the committee's recommendations fall into five areas: One, the U.S. should be sure that all crimes in the optional protocol are covered in Federal, State, and local responses, as well as laws, procedures, awareness efforts, and training of relevant professionals who work with children, along with appropriate financial support.

Two, as crimes against children occur across the country, a 50-State, all-territory response is required. Only strong coordination and communication of a national plan like the one that the U.S. is already considering across Federal and State agencies and stakeholders can result in an effective effort to prevent and address the crimes in the optional protocol.

Three, the U.S. must make efforts to synthesize Federal and State legal definitions of optional protocol crimes, including creating standardized definitions across agencies and jurisdictions. For example, one place where this is obvious is in data collected by, one, the National Human Trafficking Resource Center, two, the National Center on Missing and Exploited Children, three, the Runaway and Homeless Youth Hotline, among others, who might all be receiving calls from or about child trafficking victims but classifying them differently. If we could get those definitions in line, that would be a big step forward.

Four, the child's best interest and health is of paramount concern, whether the child has been a victim of pornographic images, illegal adoption, egregious labor practices, or sexual exploitation.

And, five, without data, it is hard to effectively target our actions and to measure our results.

One last thing. I am attaching to my testimony a copy of the ECPAT report on child sexual exploitation in Russia that the subcommittee might want to consider as it continues to look at tier rankings.

And, in conclusion, I would just like to thank you so much for your amazing leadership over all of these years, both here and abroad, and for your interest in ensuring that the TIP Report remains this really strong and powerful tool.

Thank you very much for your attention.

Mr. SMITH. Thank you so very much. Thank you for your leadership.

[The prepared statement of Ms. Smolenski follows:]



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**Testimony by Carol Smolenski
Executive Director, ECPAT-USA
Before The Subcommittee on Africa, Global Health, Global Human Rights, and
International Organizations of the House Committee on Foreign Affairs
April 18 2013**

Hearing on Tier Rankings in the Fight Against Human Trafficking

Good afternoon Chairman Smith, Congresswoman Bass and other distinguished members of the Committee. Thank you for this opportunity to speak at this hearing about the Tier Rankings in the annual U.S. State Department Trafficking in Persons report and the importance of the report in holding countries accountable for their actions on human trafficking.

I am Carol Smolenski, Executive Director of ECPAT-USA. ECPAT stands for End Child Prostitution and Trafficking. We are the U.S. branch of the ECPAT International network, with headquarters in Thailand and affiliate organizations in 73 countries. We work together to end the commercial sexual exploitation of children and to promote child protection. ECPAT came into being in 1991 in Asia with the recognition of large numbers of children being sold into the sex trade, partly to meet the demand coming from foreigners who were traveling to Asia to sexually exploit the local population. As a representative of what we called a "tourist-sending" country, we started ECPAT in the United States to stop the horrific international child sex tourism trade. Since 1996 we have expanded our mission to fight against all forms of commercial sexual exploitation of children, not just related to tourism and not just in Asia. While we still conduct advocacy, awareness raising, policy development and legislative activities against child sex tourism, we also work to conduct these same activities to end the exploitation and trafficking of children in the United States.

The U.S. in the TIP Report

As a member of this network I am proud to serve as the representative from the USA. The U.S. is an international leader when it comes to child welfare. My colleagues in other countries often want to know how we built the child protection system in the U.S. because it is a model worthy of emulating. So I also bring this perspective to my comments about the U.S. State Department Trafficking in Persons report. It was an important step in 2010 when the U.S. Department of State included the U.S. in the tier system of the TIP report. As part of an international network

ECPAT-USA often received questions from colleagues around the world about why the U.S. did not hold itself to the same standard as it held other countries. It has powerful symbolic and diplomatic importance for the U.S. to list itself in the tier ranking.

I think we benefit as a society when our government publicly reports, in an honest and transparent way, how it is working to address the crimes relating to human trafficking and serve those who are harmed. As part of this reporting process, we also see that much more could be done to identify, protect and serve child victims of human trafficking in the U.S. The 2012 report shows that children who are sexually exploited are still being arrested rather than offered support and protection, although the numbers are lower than they were in previous years. It also shows that very few children trafficked from other countries are being identified and offered assistance as trafficking victims.

A shortcoming of the Report is that it does not show the many things that we still need to do to prevent children from being trafficked. The U.S. government does support various initiatives and activities to counter human trafficking and assist victims, but we are far from achieving a level of care for trafficked and exploited youth that I expect from my country. Prevention is everything. It is a disappointment that we are still counting how many services were provided and how many arrests are made, when what we really need is a laser-like focus on preventing vulnerable children from being ensnared by traffickers in the first place.

In the United States children are exploited and sold in the sex trade. Frequently, they are children who were sexually abused at home by a family member or family friend. Frequently they are children who ran away or were thrown out of their homes, or children who are in foster care. They are often children who do not have a loving and caring adult who is willing to offer the protection and support they need to see them through the challenging teenage years. Despite having a nationwide child welfare system in place, clearly there is something wrong. What we have found over the years is that the majority of workers in the child welfare system are not effectively equipped to identify a commercially sexually exploited or trafficked child. They do not know the indicators of human trafficking and they do not know how to help them when they do identify one, because of the myriad special needs they have. Fortunately some state child welfare agencies are coming around to understanding this population of children, and how to help them. Children whether trafficked for sex or labor need our existing systems to come around faster, because no one wants to think of a child spending one more night in the hands of a pimp or trafficker. We have to move our nationwide system of child welfare agencies along with more urgency to get to a place where every child-welfare worker knows the signs of human trafficking, and knows the best way to help the children. For this reason we strongly support legislation that was introduced last session, led by Rep. Bass, to strengthen the child welfare response to human trafficking. Legislation like this at the Federal level will help us get to a place where we can find and assist the most vulnerable of children living among us. We all want the U.S. to be seen as a country that values and works to protect all of its children. We have to get this right. When we do have it right, the U.S. will be able to report on this in the TIP Report and in other international fora, and hopefully become a model of child protection and child welfare for other nations to learn from.

As an anti-trafficking organization ECPAT-USA has often led the conversation on the diverse populations of youth who are at risk for trafficking. We have a long history of partnering with other anti-trafficking groups. Today we are an active member of the Alliance to End Slavery and Trafficking, or ATEST – a coalition of 12 anti-human trafficking groups.

But our perspective has expanded in recent years and it is clear that there are many interest groups and communities that work to protect children who also have to be part of this discussion. The juvenile justice system, runaway and homeless groups, and schools all have to be part of an energetic network of groups and individuals proposing system changes and taking responsibility for making sure every child in the U.S. is safe from trafficking and exploitation. We are glad to hear that federal agencies are moving in the direction of understanding the disparate systems that need to be involved to protect our children. We hope that the Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States will take on this challenge and drive all child- and youth-focused agencies to play an active role.

Sex tourism

Another area where the U.S. needs to live up to international standards is in combating child sex tourism. Many countries have started to put in place public and private sector educational and awareness campaigns to educate travelers that it is against the law to exploit children in every country. For example, in the international airport in Costa Rica there are signs reminding incoming tourists that it is a country that protects its children. A similar campaign took place in Brazil. A number of countries' airlines have run in-flight videos. Air Canada is currently considering one. Some countries like the Netherlands and France have made posters and flyers available to outbound tourists about the laws against sexual exploitation. The U.S. government and U.S. industry have never undertaken this type of overt widespread public campaign despite having a strong federal law against child sex tourism that can be used to prosecute traveling sex exploiters. We must do more. Furthermore, how can the U.S. give countries a low ranking for having a large sex tourism industry when it is often Americans who are traveling there to exploit the local population? The U.S. must be willing to take on its own public education campaign to make our citizens act more responsibly when traveling abroad.

International standards for protecting children.

We believe it is in the U.S. best interest for it to join the community of countries that have ratified the Convention on the Rights of the Child. The U.S. government has ratified the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The U.S. government's implementation of Optional Protocol was recently reviewed by the UN Committee on the Rights of the Child. The Committee's concluding observations are expansive, 14 pages worth. A three-page summary of the Committee's recommendations is attached to this testimony.

In general many of the Committee recommendations fall into these five areas:

- The U.S. should be sure that all crimes in the Optional Protocol are covered in its federal, state, and local responses as well as laws, procedures, awareness efforts, and training of

relevant professionals who work with children. Appropriate financial support must be provided to ensure effectiveness.

This includes ensuring state laws addressing trafficking include measures to address *both* sex and labor trafficking.

- As crimes against children occur across the country, a 50 state-all territory response is required. Only strong coordination and communication of a national plan across federal and state agencies and stakeholders can result in effective efforts to prevent and address the crimes in the Optional Protocol.

I note that the U.S. government has developed a draft Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States. This is a positive development. But unless it has a specific set of strategies for protection of child victims of human trafficking, both sex and labor, I fear that the children will vanish from view and their specific needs and rights will not get the attention they deserve.

- The U.S. must make efforts to synthesize federal and state legal definitions of Optional Protocol crimes in order to provide the widest protection for children and the least spectrum of interpretations.

Creating standardized definitions for the crimes in the Optional Protocol, indeed even for human trafficking, across agencies and jurisdictions is an obvious first step. For example, one place where this is obvious is in the data collected by the National Human Trafficking Resource Center, the National Center on Missing and Exploited Children and the Runaway and Homeless Youth Hotline who might all be receiving calls from or about child trafficking victims, but classifying them differently.

- The child's best interest and health is of paramount concern whether the child has been a victim of pornographic images, illegal adoption, egregious labor practices, or sexual exploitation. Adequately funded services must be made available to aid, restore and shelter child victims of Optional Protocol crimes, including both labor and sex trafficking victims.
- Without data, it is hard to effectively target our actions and to measure our results. The U.S. must collect disaggregated data – at the federal and state level - on all offenses in the Optional Protocol.

Generally, while we also know advocates and service providers around the country are seeing child labor trafficking occurring, there is little to no data or research to help us better understand this phenomena

Finally, I am also attaching to my testimony a copy of the ECPAT report on child sexual exploitation in Russia that the subcommittee may want to consider as it continues to look at tier rankings. It can also be viewed online here:

http://www.ecpat.net/A4A_2005/PDF/Europe/Global_Monitoring_Report-RUSSIA.pdf

In conclusion, Chairman Smith, Ranking Member Bass, I would like to thank you for your steadfast commitment to ending human trafficking – both here and abroad – and for your interest in ensuring that the State Department's Trafficking in Persons Report remains a strong tool in

our country's effort to raise awareness about and eventually end one of the most egregious human rights abuses of our time.



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**Summary of Concluding Observations by the
Committee on the Rights of the Child
on the U.S. Second Periodic Report**

Source: CRC/C/OPSC/USA/CO/2

Just as the Optional Protocol covers a spectrum of crimes against children, the concluding observations include several recommendations that should be applied to the U.S. response to all crimes in the Protocol.

- The U.S. should be sure that *all crimes in the Optional Protocol* are covered in its federal, state, and local response as well as laws, procedures, awareness efforts, and training of relevant professionals who work with children. Appropriate financial support must be provided to ensure effectiveness.
- As crimes against children occur across the country, a 50 state-all territory response is required. Only strong coordination and communication of a national plan across federal and state agencies and stakeholders can result in effective efforts to prevent and address the crimes in the Optional Protocol.
- The U.S. must make efforts to synthesize federal and state legal definitions of Optional Protocol crimes in order to provide the widest protection for children and the least spectrum of interpretations.
- The child's best interest and health is of paramount concern whether the child has been a victim of pornographic images, illegal adoption, egregious labor practices, or sexual exploitation. Adequately funded services must be made available to aid, restore and shelter child victims of Optional Protocol crimes.
- Without data, it is hard to effectively target our actions and to measure our results. The U.S. must collect disaggregated data – at the federal and state level - on all offenses in the Optional Protocol.

The CRC recommends that the U.S. ratify the UN Convention on the Rights of the Child and the Optional Protocol on a Communications Procedure. More detailed recommendations include:

COORDINATION, DATA AND TRAINING

- National Strategy for Child Exploitation and Prevention should cover all offenses and coordinate with relevant stakeholders at all levels. The National Coordinator should have the authority and resources to get real results.
- The National Strategy should set targets, indicators of progress and budget allocations.
- The development of the strategy should create a model for state action to implement the Optional Protocol.

- Adopt a coordinated strategy and dedicated budget for combating the worst forms of child labor, especially in agriculture, and strengthen Department of Labor resources to ensure that effective inspections, monitoring, and child restoration take place.
- Develop and implement comprehensive, disaggregated data collection - which is consistent at federal and state level - covering all areas of the Optional Protocol, including labor and working conditions. Include risk factors data.
- Support and make funding available for research focusing on: the root causes of offenses against children; identifying the most vulnerable children; the extent and impact of protection programs; and the profile of criminals who fuel demand for sex with or pornography of children.

AWARENESS AND RESPONSE

- Develop school-based prevention and early intervention programs that involve key stakeholders and children.
- Develop long-term, age appropriate awareness programs directed toward children and families and integrate them into school curricula, making the provisions of the Optional Protocol widely known.
- Promote public awareness that helps prevent and combat crimes and focuses on reaching children at risk of abuse, not allowing child risk to get lost in messaging about adult trafficking.
- Raise awareness to combat sex tourism and combat the idea that exploiting poverty stricken children is acceptable.
- Engage tour agencies to become signatories to the Code of Conduct and raise awareness of offenses under U.S. law.
- Treat unaccompanied foreign children, as well as migrants and refugees, as victims, not immigration criminals. Victimized children should not be deported. Best interest determinations should be considered and services provided throughout the process.
- Establish an independent national human rights institution to regularly monitor fulfillment of children's rights under the Protocol and address complaints from children. Encourage states to establish a Child Advocate or Ombudsman.
- Prevent child pornography proliferation by establishing internet safety authority, ISP licensing and blocking, and surveillance for harmful images.
- Strengthen efforts to identify and assist child victims of pornography and prevent and punish for child pornography.
- Review and improve standards for hiring children by U.S. companies in order to prevent egregious forms of child labor.
- Prevent, investigate, and prosecute the organ sales and protect victims. Include information on the periodic report.

LEGISLATION AND THE LAW

- Ensure full protection of children until age 18 at both federal and state level for all Optional Protocol crimes and ensure appropriate penalties, even for attempt. Define and prohibit child prostitution without any regards to whether compensation changed hands.

- Pass state-level laws protecting sexually exploited children from being arrested, detained or prosecuted for prostitution and provide proper training on such laws.
- Amend laws that allow “reasonable belief that the victim was at least 18 years of age” as legal defense for sex tourists.
- All crimes under the Optional Protocol should be subject to extradition and the double criminality requirement removed. Strengthen extraterritorial jurisdiction to prosecute child sex tourists even where the country where the offense occurred is not a party to the Protocol.
- Protect children in court by establishing procedures and standards for care and training professionals on trauma-informed techniques. Make legal defense available to all victims and allow videotaped testimony as evidence to protect children from further trauma.
- Ensure that TVPRA’s defines modern forms of servitude as related to child labor.
- Enact the 2012 Violence Against Women Act and strengthen gender-based discrimination and violence
- Sexual abuse by individuals from the faith-based community must be properly investigated. Encourage collaboration and dialogue with faith-based communities to aid with prevention, investigation, and prosecution.
- Amend laws to add legal liability of legal persons who participate in any crimes under the Protocol.
- Ratify ILO Convention no. 138 (1973) concerning the minimum age for work, and set a minimum labor age of 16 for child work on small farms, with or without parental consent. Ensure that child labor legislation specifically focuses on unaccompanied foreign minors.

ADOPTION SPECIFIC RECOMMENDATIONS

- Adequately and effectively implement the Hague Convention on Intercountry Adoption.
- Be particularly vigilant regarding petitions for adoption that fall within the 180 grace period after the Intercountry Adoption Universal Accreditation Act, S.3331 goes into effect.
- Modify the Intercountry Adoption Act of 2000 to better define “knowledge” so that it allows for suspicion as grounds for investigation of abuse or sale.
- Provide social support and counseling to adoptive parents with proper follow-up and monitoring. Establish provisions in the case of abuse, neglect or exploitation, and liability of adoptive parents in such cases.
- Train and monitor social workers and case managers on adoption laws and regulations, and ensure effective accreditation and monitoring of all agencies and individuals directly or indirectly involved in adoption, perhaps limiting their numbers.
- Take necessary measures to prevent adoption agencies or individuals from entering foreign countries and disregarding legal procedures of those countries. Ensure adoption processes do not result in financial gain to any party and regulate and monitor issues such as surrogacy payments before birth and what should be considered “reasonable costs.”

The complete document can be found here: <http://www2.ohchr.org/english/bodies/crc/crcs62.htm>

Mr. SMITH. Let me ask a few questions. You know, as I fully expected, your testimonies are not only comprehensive, they were filled with actionable items. And my hope is, because we will convey this to the Department of State, that they will look at it very carefully as well, not just to the TIP Office, but to the regional bureaus as well.

I think, Mr. Abramowitz, you know, you point out the sharp edge of the TIP Report must be constantly honed by applying the strongest facts, most rigorous analysis to its edge, or otherwise it risks being dulled to the point of being unusable.

I was concerned, and still am, because I think this 2013 TIP Report will be another test as to whether or not unwittingly Congress has moved to weaken our efforts vis-à-vis the most recently passed Leahy amendment. I was very concerned, and I had hoped to offer an amendment to change that but was not given the opportunity when the bill came over here. We could have ironed out our differences in a House-Senate conference, which now will not happen.

But the shifting of power to the regional bureaus, as you recall, David, that was one of our prime reasons for creating the TIP Office in the first place. It now has about 55 people, a very effective Ambassador-at-Large in Luis CDeBaca. But if the regional bureaus are further empowered and the balance shifts even more in their direction, information and data that we need to be on the table and then acted on in an appropriate way simply will not happen.

And I say that not just in the area of trafficking. I have tried repeatedly and asked Secretary Kerry yesterday, and he seemed quite responsive to take up the issue, even when it came to an American citizen, Jacob Ostreicher, who was languishing in a prison in Bolivia for 18 months. He has never been accused of anything, but had his assets and rice farm stolen. And I have been unable to get the Assistant Secretary to speak out. And we have found that repeatedly with other Assistant Secretaries, who have many important jobs to do; nobody would suggest otherwise. But human rights often take a huge back seat, and trafficking is among the human rights abuses that take that back seat.

Same goes for our Ambassadors, our DCMs. I do travel a lot and speak out. I am a special representative for trafficking for the OSCE Parliamentary Assembly. And it is bewildering, no matter who is in the White House, how the Ambassadors seem to trivialize and put in a nice little compartment our actions to combat human trafficking. Some are very robust, so you can't make a blanket statement, but, frankly, there are many others who want it all to just go away and do a minimal effort against it. And when it comes to the tier rankings, that is catastrophic.

So the reason for this hearing was to try to begin a process, as you pointed out. And it is not the last hearing we will hold before TIP—or before those rankings are meted out, so that we don't get it wrong. We have had hearings in the past, but this year is a test.

And Vietnam, I think, without a doubt should be on Tier III, given what they have done. As a matter of fact, the first case prosecuted under the TVPA in 2000 was the Daewoosa case. And those Vietnamese Government officials were never held to account for that horrific sweatshop that they were running. And now we know that it is continuing in so many ways.

And you might want to comment on that, because I do think we have seen a shift. I am not sure how sustainable the TIP Office will be in terms of personnel when the authorization goes from \$7 million to \$2 million. And, of course, authorizations can always be breached, and hopefully they will in this case, so that additional resources will be made available to Ambassador CDeBaca.

If anyone would like to comment on this, because, again, I have great respect for the regional bureaus. I plan on asking the regional Assistant Secretaries, hopefully, and perhaps their DASes, as well, to come here before all of this is done, certainly after the fact too, to hold them to account. They are very good people, but trafficking isn't always very high on the prioritization list.

So, anybody want to comment on that?

Yes, David?

Mr. ABRAMOWITZ. Well, just briefly, Mr. Chairman, you know, obviously, you and I have both met Ambassadors who are very committed to this issue and have made a lot of real change. Cambodia was one of those cases early on, where there are Foreign Service officers who have done some great work on this. But it is often the case that these issues are often the ones that are not their focus as they move forward, and often they are not, even at the political level, they are not given the priority they should.

I will note, Mr. Chairman, just on a couple of minor points, I think, you know, the reauthorization bill did also have some very good provisions in it, including the child compact provisions that, you know, you championed for a number of years and finally got it done.

And my understanding is that, on the authorization level, that, in fact, that number is really for the efforts of the office with respect to the interagency task force. At least that is the way the Department is interpreting it. We will see what the budget request comes out as, but my understanding is that there may be some minor cuts, because everybody is going to take a cut at the Department, but the budget request will be at least reasonably robust. And we will definitely have to follow that up.

I did note that when the bill was passed, Chairman Royce, because he has been a great champion of this issue, did put an explanatory statement in the record to address some of the concerns on the regional bureaus to make sure the TIP Office was not degraded in any way. And hopefully that message will get through, that there continues to be very strong interest in ensuring that the regional bureaus need to become more engaged. They can be important partners in this effort, but these provisions were not designed to undermine the TIP Office.

Thank you.

Mr. SMITH. Thank you.

Let me just ask, if I could, I know that Ambassador Lagon might have been able, because he mentioned it in his testimony, to speak to the issue, but, you know, there are countries like Holland, a very sophisticated and mature democracy, and yet there are very serious allegations that have been made. And I actually chaired a hearing on that specifically and heard from a young man who was a boy at the time when the Justice Minister, Secretary-General Demmink, allegedly raped him. And we have very serious allega-

tions being made and yet not the commensurate action being taken by the Dutch Government to investigate in a robust and thorough and comprehensive way.

So I just put that—I do hope, and I know we have briefed and passed on information to the TIP Office, but it seems to me when you have a country that actually houses The Hague and is known as a center for justice, adjudication, that for someone in such a high-ranking position to go without thorough investigation when serious and seemingly very credible allegations have been made does a grave disservice to all the efforts we are trying to make in combating sex trafficking.

And I would just say parenthetically, on one trip in Brazil, when I spent several days in Brasilia working on combating human trafficking and working with their lawmakers, I spent half a day in Rio de Janeiro and went to a shelter and, sure enough, there was a woman, who thankfully was saved from being sent to Amsterdam, where an overwhelming number of foreign women are trafficked. And the Dutch say they come there on their free accord. She wasn't. And it is very hard, as we all know, when women are rescued even, to tell their story, because they fear police, they fear retaliation against their loved ones. And through her tears, I will never forget how she was—and she was one of the lucky ones who was rescued.

I will go to Ms. Bass first, and then I will come back to some of my other questions.

Please.

Ms. BASS. Sure.

Well, I want to join the chairman in thanking all of the witnesses for really incredible testimony.

I did want to ask, you know, several questions to the witnesses. And I am not sure who to direct these to immediately, so whoever wants to respond.

I was trying—I think maybe it was Mr. Campbell, you were talking about Russia and Uzbekistan. And I wanted to understand about the forced labor, especially of teenagers. And I wanted to understand, are these businesses that are owned—you know, the farms, are they owned by government? Is it government-owned industry? Is it private industry? And then, do we do business with—you know, do we get cotton from Uzbekistan?

I do understand some of the politics involved in why we don't move, you know, countries from Tier II that should be on Tier III because of their strategic importance. And we can debate whether or not that should happen or not. I don't think it should. But Uzbekistan? I don't know how they fit into that.

Mr. CAMPBELL. Thank you, Ms. Bass, for the questions.

So, to tackle your first questions on the farms, the answer is the farms are, as I understand, are 99-year leases from the government to the farmers. But that was, what I believe, a cosmetic implementation of land reform, when, in reality, one of the forms of coercion that we are able to identify is the threat of loss of your farm by the government. So if you are a farmer and you refuse to plant crops, you can lose your farm.

And while the government may say, well, that private person owns that private farm, what the State Department has been very

clear about is those “private farms” are all tied in this state-controlled system, this state-ordered system. So the state sets the orders, tells people when to implement them, and tells people when to bring the crop in.

Now, what the government will let them do is perhaps grow another crop on some of that land. So they may only make a farmer set aside a certain amount of their land, and they may get to grow vegetables or some other crop. And I am not saying, although I don’t know for sure because it is a closed society, they might—you know, I don’t know if there is forced labor in those other crops. All we know is that there is forced labor in the cotton crop through this coercive system.

In terms of what is coming to the United States, what we do know is that cotton from Uzbekistan does come into the United States from time to time, but Uzbekistan is an exporter, just like the United States is, for cotton. Now, we don’t produce a lot of garments anymore in the United States.

Ms. BASS. Right.

Mr. CAMPBELL. That production has gone overseas in the race to the bottom. So much of the Uzbekistan cotton that we know of goes through Bangladesh and other countries and are processed into clothes in those countries and then brought into the United States.

We have been able to identify some very specific companies. Daewoo International, a Korean company, purchases around 20 percent of the domestic cotton crop of Uzbekistan, processes it into yarn in Uzbekistan. And while we haven’t seen many shipments, we don’t have the full information, we do know that they have exported into the United States several times since 2008. We saw a \$70,000 shipment come into the United States of Uzbekistan yarn just in February.

And, finally, we have a company known as Indorama. It is, I believe, a Southeast Asian company; I would have to get the specific country. And they recently shipped some yarn into Puerto Rico. And while we don’t know what that factory or what that yarn is being used for, it does raise concerns that that yarn is being spun in American factories—

Ms. BASS. Right.

Mr. CAMPBELL [continuing]. Into, whether they be possibly military garments or other products that are manufactured in Puerto Rico. So these are important issues.

Our big concern is and my request back to the committee is it is not just the State Department, it is also other agencies, so working with the committees that would have oversight of these other agencies, such as Customs. There is a law that prohibits the importation of these goods that is not being enforced.

And so I would encourage that these examples be taken and pushed and that the government from across the board, not just the State Department, but the U.S. Government across the board use all the tools at its disposal to end this forced labor scourge in Uzbekistan.

Thank you.

Ms. BASS. Well, I appreciate that. And if you have some recommendations as to what we should do about that to end it, I would certainly appreciate it.

Were you going to say something?

Mr. ABRAMOWITZ. Ms. Bass, just one point is that, as part of the President's initiative from last fall, he did promulgate an Executive order on U.S. Government contracting to—

Ms. BASS. Right.

Mr. ABRAMOWITZ [continuing]. Make sure that trafficking does not involve any goods that the U.S. Government produces. And that can reach a wide range of different types of products, including products made with cotton.

And the Office of Management and Budget, GSA, and the State Department are all working on a joint draft regulatory rule that will address exactly how that Executive order is going to be implemented. And those regulations really bear close watching, because if the U.S. Government is not importing—

Ms. BASS. Right.

Mr. ABRAMOWITZ [continuing]. Its cotton and other things, and contractors that we contract with as a government are looking at their supply chains, that can really create change across the entire waterfront.

So those regulations are really worth looking into, and I am sure that there would be an opportunity for Members of Congress to weigh in.

Ms. BASS. I know last year we were certainly concerned about some of our contractors within the Defense Department, and maybe they were contracting with companies, you know, overseas that were involved in trafficking even on some of our bases.

When you talk about the young people that are forced into labor, who are these young people? Do they take young folks in the criminal justice system in these countries, or are they just schoolkids that are rounded up and forced to pick cotton? Who are the young people?

Mr. CAMPBELL. They are everybody in Uzbekistan. They are the young people of Uzbekistan. And it is done on such a wide scale that it touches all aspects of life in Uzbekistan. And so these are children in schools, or should be in schools, these are children in high schools, young adults in universities, and also adults who work in the private and public sector. So it touches everything.

Ms. BASS. And I had the same question about the industries in Russia that are involved in the forced labor, in terms of the companies, who are they, do we do business with them, are they state-owned?

Mr. CAMPBELL. I will say that I am not an expert on Russia, and so I will have to defer that question to perhaps another of my colleagues.

Mr. THANG. Yeah, may I answer that question?

Ms. BASS. Sure.

Mr. THANG. Yes. As far as the Vietnamese community in Russia, we are aware that most of the forced labor involves sweatshops.

Ms. BASS. Oh.

Mr. THANG. And they even form an association of such sweatshops under the tutelage of the Vietnamese Embassy in Moscow. And there are also construction companies that employ Vietnamese migrant workers, and they, too, have been subjected to forced labor. And, finally, recently we have seen a growing number of shoe fac-

tories, manufacturing factories, that also are involved, and they are owned by Vietnamese nationals.

Ms. BASS. Thank you very much.

You know, I wanted to direct some questions to Ms. Smolenski, and please forgive me if I am mispronouncing your name. But I appreciated your comments in terms of the U.S. should hold ourselves to the same standards that we are holding other countries to, and sometimes I feel it can be a little bit hypocritical. We are looking at the rest of the world, but we need to look in the mirror sometimes, and I wanted to know if you could comment some more.

When I look at the TIP Report and I am reading the section on the U.S., you know, there is not a lot of information there about U.S. trafficking of U.S. citizens, whether we are talking about girls, you know, females and males in the child welfare system, or you mentioned a point that I think is really important and that is sexual tourism, and so our folks going to other countries. And one country that comes to mind right away is Cambodia and the children that are involved there.

So I wanted to know if you could expand on that, if you could talk about some changes that might need to be made in the TIP Report, but it seems like we need to do more here.

Ms. SMOLENSKI. Yes, of course. I am delighted to expand a little bit. ECPAT has been around for 20 years trying to find good data to describe the issue in the United States and we still don't really have the number, which of course is the first question you always get from a policymaker or a journalist, how many sexually exploited kids are there in the United States. We still don't know that. So we don't have a round number, nor do we have the different categories of child trafficking and child sexual exploitation. We just haven't put any resources into doing anything about the data that we need to have as a baseline and the Committee on the Rights of the Child keeps asking the U.S. to start with.

Ms. BASS. But, you know, sometimes I wonder that because, you know, and the chairman and I were talking about this yesterday, I mean, the FBI, there is the Innocence Lost Task Force. You know, I question it. I think we probably have the data. It is a question as to whether or not the left hand is talking to the right hand, you know. Maybe it is a question of doing something that would help our Government compile that.

Mr. Chairman?

Mr. SMITH. Will the gentlelady yield? And we do, you know, the Attorney General obviously puts together an analysis, as you pointed out. The FBI has increased its reporting—they always need to do more. There is no doubt about that. And there have been independent surveys that have been done. One working with the National Center for Missing and Exploited Children and some other NGOs showed the approximate number of runaways who turn into regrettably being bought and sold like commodities is about 100,000 per year, average age 13.

So there is data, but you are right, we can always do better and get a much more precise number. The task forces feed into that, you know, the FBI task forces. But it obviously needs to be prioritized even more. So thank you for that.

Ms. SMOLENSKI. Yeah.

Mr. ABRAMOWITZ. Mr. Chairman and Ranking Member Bass, I think this is a really critical issue. I think that there are things that are happening. The FBI in their uniform crime reports is also putting in something that will collect more data from the States across the United States. But I do think that the issue of really trying to figure out in a very serious and granular way what is happening so we can figure out which interventions can go best where in the United States is something we need to work on.

We, the Alliance to End Slavery and Trafficking, has been talking to the National Academy of Sciences who do have a very strong social sciences division, and they have expressed an interest in doing some work on this. So we are trying to get back to them and try to see what kind of proposal they can come forward. There may be some need for some for some funding from the Federal Government, but we can get you apprised of that, you know, to get data from the full range.

Ms. BASS. You know, as I look at the TIP Report and the section on the United States, you know, again it looks like it is primary—and, you know, maybe I need to read it closer, maybe there is something I am missing here—but it looks like it is primarily a report about women from other countries in the United States versus what I certainly know is going on. I mean, I know that the average age that our girls are being recruited into trafficking is 12 years old. They are recruited in middle school, and some of them don't survive beyond 7 years.

So it seems like we need to do something in the TIP Report that reflects more about what is happening with our own girls. And I don't know, you know, we will see when it comes out in June whether it includes it, but it isn't included in this one. And maybe you might be able to offer some kind of guidance that we could give that would have more information about U.S. girls.

Ms. SMOLENSKI. And boys, by the way.

Ms. BASS. And boys. No, absolutely. That is absolutely right.

Also, I have heard a few of you make reference to an Under Secretary that is not—I know, you know, again at the beginning of the report there is an Ambassador-at-Large and I think Ambassador Lagon maybe was the first one. So what is missing? Who is this Under Secretary?

Mr. ABRAMOWITZ. Yeah, Ms. Bass, Representative Bass, so currently we have an Ambassador-at-Large for Trafficking Persons, Ambassador Luis CdeBaca.

Ms. BASS. Yes.

Mr. ABRAMOWITZ. I think generally he is considered to be very effective at what he does, very knowledgeable former prosecutor.

The position that is vacant currently is the Under Secretary for Civilian Security, Democracy, and Human Rights. Maria Otero, who I am sure you remember, had that position. She did resign earlier this year, and that position is currently vacant.

When the discussion is about certain countries where there is a disagreement regarding where they should be placed or what the facts are, it goes up to the Under Secretary level, where the Under Secretary for Political Affairs will have conversations with have the Under Secretary for Civilian Security, Democracy, and Human Rights that Ambassador CdeBaca formally reports to, and right

now it is, you know, one person talking and there is no one else there.

So I think that Under Secretary for Political Affairs Wendy Sherman has an interest in this issue, but she has a lot of things to do. So I think that when those conversations happen it is a challenge and it makes it more difficult for the TIP Office to raise that issue.

I don't know what the President's plan is. I think Secretary Kerry testified yesterday that they do have a number of people who they have slated, but that there is continuing to be some vetting issues that has left that position vacant.

Ms. SMOLENSKI. Can I say just something about sex tourism before—I was just taking the mike back for a second.

Ms. BASS. Sure.

Ms. SMOLENSKI. Ever since ECPAT was born, we have been asking for the U.S. Government to put some attention to messaging and education that it is against the law to have sex with children in every country, to combat the belief that so many Americans have that it is okay culturally to do it in another country or it is okay because you are helping the kids because they are so poor. And this is very prevalent. I have had people say to me this argument that that is why I should understand why it is okay.

And so I really think that we need, especially when we are measuring how other countries are doing in their fight against sex tourism, I think that we have to do that publicly and overtly and do something all around the country.

Mr. ABRAMOWITZ. And, Carol, you can take the mike away from me anytime.

Ms. BASS. Thank you very much, Mr. Chairman.

Mr. SMITH. Will the gentlelady yield just for one final one point? One thing that we are very concerned about, because we do want to invite the assistant secretaries to testify before the decisions are made as to what the tiers will be for the different countries, the problem is a lot of those positions are vacant. And, you know, when you don't have somebody at the helm who really is knowledgeable and focused, it often leads to a poor conclusion. So that is what we are so worried about because we are in a timeframe where we are talking about June.

I yield to Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman, and thank each of you for your testimony. And I have a few questions for a few of you.

And, Dr. Thang, it is good to see you again. We have had you here within the last few days testifying and that testimony is heartfelt, I can tell, on your behalf, and it touched my heart as you shared these unbelievable stories of lives that are devastated primarily with regards to some of the human trafficking in Russia.

And let me go first to Ms. Choe and say, one, thank you for sharing your story today with us, and we are proud to have you as a fellow American. But since you have this history, would you say that your story is an isolated story or one that is being multiplied over and over with other North Korean women in China.

Ms. CHOE. What I experienced is just one part of many experiences that many North Korean refugee women, defected women experience in China, and it is a true fact that so many North Korean

defectors, North Korean defected women are being sold and traded in the human trafficking ring in China.

Mr. MEADOWS. Thank you.

Ms. Scholte, let me go to you. Would you be able to estimate or give any kind of approximation to the number of North Korean refugees that are subject to trafficking each year in China.

Ms. SCHOLTE. 90 percent.

Mr. MEADOWS. 90 percent.

Ms. SCHOLTE. And that is a figure that NGOs agree upon and the Government of South Korea as well, that it is at least 90 percent of North Korean women end up being victims of trafficking.

Mr. MEADOWS. So 90 percent of the refugees are subject to this. So would the Chinese police or government officials, do they have a quota, do they get paid for doing this? How are they involved in this, or do you know?

Ms. SCHOLTE. Well, the situation at the border has been pretty awful for decades, but when Kim Jong Un took power, when his father died in December 2011, the North Korean regime was very concerned about people fleeing, and they actually had to issue an order that anyone who was caught, that had fled during the 100-day mourning period of Kim Jong Il's death, that their family and they would be executed.

Now, at the beginning of last year, fortunately a lot of people started to pay attention to this issue because there was a group that was in fact arrested in China, and in this group were the daughter of a South Korean couple who had made it to South Korea, that they were trying to get their daughter to come join them, the brother of another man who had made it to South Korea, a 70-year-old woman, a mother and her infant. And there was this huge outcry in South Korea about this. Even President Lee, the South Korean President at the time, appealed to Hu Jintao not to send them back. All of them got sent back.

And the situation now, they have, on the Chinese side, they have increased surveillance, electronic surveillance, they have increased fencing to try to close off the border. On the North Korean side, what they have done is they have expanded the units. So basically in the past you would be able to bribe a guard but now you have minders that are watching you. And they are really trying to seal that border and prevent people from crossing, and I think it is worse today than ever before. And as a result, we have seen a 42 percent drop in the number of people escaping over the past year.

Mr. MEADOWS. All right. Thank you.

Mr. Abramowitz, in your testimony you place a strong emphasis, I think, on the funding of a country as we start to look at this particular issue of addressing the fight against human trafficking, and while I agree grants from the State Department are critical and are necessary, they are extremely limited, and as we also know, that many times they are given to NGOs or the like and not specifically to the country.

You know, if they are linked to this tier ranking, is there not a scenario where the country could say, well, gosh, you gave money to this country and not to our country, so that is why we are doing so poorly on human trafficking. Do you not see it as being more

critical that we put the emphasis back on that particular government to address it and not be so dependent on U.S. funding?

Mr. ABRAMOWITZ. Thank you very much for the question, Mr. Meadows. It is very, very important. I think that clearly there is never going to be enough money in the U.S. Government's foreign assistance budget to try to solve all the problems of trafficking around the world, nor should we. We should be trying to activate governments to try to make things happen.

I think that with respect to your first point regarding the interest by governments to come to the U.S. and say, hey, listen we have a problem, too, can't you just help fund to solve this problem, that is not purpose of these grants. The grants are generally looking at key interventions to demonstrate to the government how they can make this happen. At the end of the day, we need to put the emphasis on saying, look, you know, it is not that hard to fund a shelter. There are civil society organizations to do it. It is not that expensive. You know, in some cases there is already a child welfare system there in that country and you need to try to normalize how you deal with victims in that country just as Ms. Bass has been doing here in the U.S. Then you say, okay, now you know how to do it, we are moving on to another country, you need to build up your own capacity, and so on.

I think that part of the reason that these grants are very effective is that you talk to the country about the problems that they have and they start to say, well, listen, we can't, you know, deal with that. Look, let's have a conversation about this. Let's have a dialogue. We can help you start some programs that you otherwise might not be able to do. We have trafficking experts who can come in and help you devise the best laws. We can train some of your prosecutors so that they can really know how to make these cases, which are often very complicated cases.

You know, some of our own U.S. attorneys—

Mr. MEADOWS. Right.

Mr. ABRAMOWITZ [continuing]. Have not been able to make some of these cases.

So, it is the activation part of these things, of these programs that are really important and can make a difference. But otherwise I agree, you need to put the onus on them to be a real partner and make the political commitment and then put up resources in order to actually make it happen.

Mr. MEADOWS. All right. And I believe you also shared a statistic that said some 70,000 sex trafficking victims in Moscow, 80 percent of whom are under age. That would be 56,000 underage girls that are subject to human trafficking. You know, as we look at that, Russia has pulled out of a collaborative agreement with the United States to fight human trafficking. Is there any possible justification for moving Russia up to a Tier II?

Mr. ABRAMOWITZ. Mr. Chairman, it is very difficult for me to see how they can make that judgment. As I said, you know, they did work with the International Organization of Migration to open up a shelter in St. Petersburg.

Mr. MEADOWS. Right.

Mr. ABRAMOWITZ. I am sure that those who arguing that it was enough is going to point to that, that they are doing something.

But if you look at the wide range of different recommendations that we are making, that we were just talking a second ago, for example, about U.S. Government procurement, they are building buildings right now for the Sochi Olympics, and I am sure that if they are not doing something right now, you know, U.S. athletes could well be housed in buildings that are going to be constructed by slaves. And I just don't see any actions they are taken to address these very significant problems, and it is very hard for me to understand how they could make that justification.

Mr. MEADOWS. Well, and you mentioned about that space there in St. Petersburg. Is that not correct, that that space could house only 8 of the 70,000 trafficking victims?

Mr. ABRAMOWITZ. I think that it is a small shelter, Mr. Meadows. I would have to get back to exactly the scale. I don't know if Ms. Smolenski. So I will try to get back to you with some information on that.

Mr. MEADOWS. But I guess my point is, it is a drop in the bucket compared to the problem. Is that not correct?

Mr. ABRAMOWITZ. Absolutely.

Mr. MEADOWS. Okay.

Mr. Campbell, let me move on to you because you have mentioned the oversight in terms of forced labor and what is happening not only just with regards to the State Department. You said, you know, we need to look at other areas, I guess, as well. I believe that was your answer to the question.

How do we best identify that when we have oversight in these areas, whether it be this committee or other committees with that jurisdiction, how do we best identify that? To put it mildly, it is very hard to make the assumption from human trafficking, whether it be on the labor side and as it comes through in a shirt from some other country. What is the best vehicle to do that? Because I am all for it, but I want to see how we can implement that.

Mr. CAMPBELL. Sure. In terms of importation of goods, which is under the Department of Homeland Security—

Mr. MEADOWS. Right.

Mr. CAMPBELL [continuing]. There is a good law on the books that needs a little bit of change, and that law is the Tariff Act of 1930 that prohibits the importation of goods made with forced and forced child labor. And the current way that that is implemented is, if there is a reasonable basis to believe that your product contains in whole or in part something made with forced labor, then customs should detain it at the border and request the company to demonstrate, as provided in the regulations, to demonstrate that it does not.

Now, the reasonable basis is a lower standard than probable cause.

Mr. MEADOWS. Right.

Mr. CAMPBELL. So what they are looking at is whether there is enough information that raises alarm bells with a red flag, and then it starts a process where companies then need to go back and verify whether or not what they are doing is buying goods that are made in part by forced labor.

In terms of Uzbekistan, I highlight that because it is really simple.

Mr. MEADOWS. Right.

Mr. CAMPBELL. Everything from Uzbekistan with cotton comes from the forced labor system. When it comes to identifying the Uzbek cotton, say, from Bangladesh, I think it is important that brands and that the government require its contractors and their own subcontractors to identify whether there is Uzbek cotton in the Bangladesh factories that they are ordering from and to require that.

So I think there is action that both the government and private sector need to take in terms of their own supply chains in order to address this problem.

Mr. MEADOWS. And if you would, if you would submit to the committee in writing some of those recommendations, if you would, whether they be for legislation or in terms of areas of concerns or ways that we can more properly identify those.

Last question, Mr. Chairman. As we look at Russia and Uzbekistan, the demographics would suggest that a labor market is shrinking and will continue to shrink if you just look at the overall demographics. Do you believe that that will exacerbate this problem of trafficking for labor purposes going forward?

Mr. CAMPBELL. In terms of Uzbekistan, the labor market has been decimated because of the forced labor problem. People are voting with their feet. They go to neighboring Kazakhstan and other—

Mr. MEADOWS. Right.

Mr. CAMPBELL. [continuing]. To try to get away.

Mr. MEADOWS. Sure.

Mr. CAMPBELL. So, yes, absolutely, I think that fixing this problem will fix a labor market problem in that country so that they can develop sustainably in the long run.

Mr. MEADOWS. Would you agree with that, David?

Mr. ABRAMOWITZ. Yes. Mr. Meadows, I think that this is a really severe—this is a significant problem. I think, you know, one of the reasons that trafficking came to the fore in the 1990s was there was this increased amount of labor migration and there were unscrupulous people who were taking advantage of people who didn't know the language, who could easily be put into situations where there is bonded labor, et cetera.

So I think that in a number of these countries where you are seeing the labor market shrink, you are going to see significant problems increasing, which is why one of our emphasis has been on trying to regulate foreign labor recruiters. Because companies in these different countries that are trying to bring in people to perform these labor contracts, often they don't know who is bringing in these laborers. They have an intermediary who brings in the foreign laborers, and they could say, oh, we didn't know anything about it, we didn't realize that their passports were being taken, we didn't realize they were paying all these fees. So we are really trying to emphasize the responsibility of countries to make sure that those foreign labor recruiters are acting in a virtuous way.

Mr. MEADOWS. Can I ask one more yes-or-no question to each one of the panelists? And as it get to this, when we look at the tier ranking and if we are to be committed to this particular process and truly to making sure that it has weight and is part of not only

our diplomatic negotiations going forward with individual countries, but where we actually put teeth to it, do you see that having a significant impact on reducing human trafficking, whether it be for sexual purposes or for labor? And a simple yes or no, starting with you, Dr. Thang, do you see that as being a useful tool?

Mr. THANG. Yes, it has been proven in many countries that governments do care about the ranking.

Mr. MEADOWS. Thank you, sir.

Ms. SCHOLTE. Yes.

Mr. CAMPBELL. Yes.

Mr. ABRAMOWITZ. Absolutely.

Ms. SMOLENSKI. Ditto.

Mr. MEADOWS. All right. Well, thank you all.

And thank you, Mr. Chairman. I yield back.

And I am going to be leaving. I have got another appointment. It is not out of a desire or an interest in this particular subject. But I want to thank each one of you for your testimony.

Ms. SCHOLTE. I do want to add one really quick point about what we were talking about. There is something else here that I think just about how important this is. I can tell you from my own experience, I know North Korean women that were at the point of committing suicide and the only thing that prevented them from doing that was when they heard about protests that we were having in front the Chinese Embassy to save the North Korean refugees. It made them realize that somebody cared about them.

So bringing up these kind of issues and doing the kind of action in addressing these, whether it is people, Vietnamese, in Russia, or where it is people in Uzbekistan, when they hear that people like yourselves are speaking out and taking action, it really saves people's lives literally and gives them hope.

Mr. MEADOWS. Well, if you will take this message, that not only do we care but that we are going to do something about that. Thank you.

Mr. SMITH. Thank you so much, Mr. Meadows.

Mr. Weber.

Mr. WEBER. Well, Ms. Scholte, I am going to use what you just said to my colleague Mark Meadows here as my first question, and I am not quite sure how to phrase it. Without using a name, is there an underground movement to harbor these women?

Ms. SCHOLTE. Yes.

Mr. WEBER. To get the word out?

Ms. SCHOLTE. Well, there is an underground railroad.

Mr. WEBER. Okay.

Ms. SCHOLTE. As I like to point out, we have plenty of Harriet Tubmans. The problem is there are no Raoul Wallenbergs. There are no State Department people that are willing to stick their necks out to help these people. We are totally reactive when it comes to North Korean refugees. We are not proactive at all. And I can cite case after case after case. And again, there are lots of Harriet Tubmans, there are no Raoul Wallenbergs.

Mr. WEBER. Is there a funding mechanism, or is that a railroad, is that a group that is able to receive support?

Ms. SCHOLTE. Yes, but it is through private donations and private support.

Mr. WEBER. Okay.

Ms. SCHOLTE. But I can tell you it is really hard right now. We just rescued three orphans. It took us over a year, and the person that helped us had five Chinese security people following him around, and he had to—I mean, if you can imagine, the Chinese are going after these people that are trying to save children, save women that are being trafficked, and the Chinese are hunting these people down. It is terrible.

Mr. WEBER. So the Chinese just don't want them coming across their border because they come across as refugees. Is that—

Ms. SCHOLTE. Right. And they have a relationship with Kim Jong Un. I think that they fear that if they showed some compassion to these refugees and allowed them safe passage to South Korea, that they would be flooded with refugees, and that is what they are afraid of. If that happens it may destabilize the regime, and they would rather have Kim Jong Un on their border rather than a unified South Korea.

But that attitude is changing in China, I really believe. I think the Chinese are at the point where they are really getting fed up with the regime in North Korea, particularly over the latest provocations.

And I also want to say, the argument that we are trying to make with Chinese that will listen is that they are causing the problem, they are exacerbating the problem because they are absolving, taking pressure off the regime.

Mr. WEBER. They are aiding and abetting.

Ms. SCHOLTE. Yeah. And if they were to stop this, then it would force North Korea to start to take some reforms so that people didn't want to leave in the first place.

Mr. WEBER. Right.

Ms. SCHOLTE. So they are prolonging the crisis by taking that pressure away.

And also talk to any North Korean. They didn't want to leave their homeland. They didn't want to risk their lives. They want to go back. They left because of the conditions in their country.

Mr. WEBER. Well, and they are leaving, in some of the reading, I read that they are leaving in search of food and work where they are being told that there is work up there.

Ms. SCHOLTE. Exactly.

Mr. WEBER. Are we able to get Mrs. Choe's story out?

Ms. SCHOLTE. Esther. You can call her Esther.

Mr. WEBER. Call her Esther Choe. Okay.

Ms. SCHOLTE. She is speaking out for her people, so Esther will be fine.

Mr. WEBER. Are we able to get her story out?

Ms. SCHOLTE. Into China?

Mr. WEBER. Into North Korea?

Ms. SCHOLTE. Into North Korea. Yeah. As a matter of fact, the ability for people in North Korea to know what is going on has increased dramatically. They think at least 60 to 80 percent of the population has access to outside information. The information revolution has finally hit North Korea, and a lot of people know the truth about what is going on.

Mr. WEBER. Are we able to beam radio into there telling those kinds of stories, perhaps without names?

Ms. SCHOLTE. Yes. In fact, I know there were some reporters here from both Radio Free Asia and Voice of America that will be telling her story and broadcasting that in.

Mr. WEBER. Okay.

And, Ms. Smolenski, you say in your writings that workers in the child welfare system are not able to identify commercially or sexually exploited or trafficked children. And now you say that about the child welfare system. What about the law enforcement?

Ms. SMOLENSKI. I would say similarly it has been difficult for them to identify this child before them as a victim of sexual exploitation rather than just a kid who has some bizarre story or a criminal.

Mr. WEBER. Who is prostituting themselves?

Ms. SMOLENSKI. Because she is a prostitute, yes.

Mr. WEBER. You know, coming from the Texas legislature, we were able to pass landmark legislation in the 81st session, House Bill 4009, where we actually gave HHSC the task of building a coalition, via their Web site, where we brought together district attorneys, where we brought together county sheriffs, DPS, and all the other actors to where we were able to start training law enforcement officials to look beyond the obvious. To your knowledge, is there a national movement to do that?

Ms. SMOLENSKI. There are points of light around the country, and Texas is one of them. Over the years that I have been doing this work I do see momentum taking place. And so there is, in fact, I believe, a paradigm shift going on before our very eyes with law enforcement and child welfare workers saying, oh, now I understand what is going on with that kid, now I realize this child is somebody entitled to protection, not, you know, not prosecution.

Mr. WEBER. Look a little deeper.

Ms. SMOLENSKI. And Texas has been a great model. There is no question about that.

Mr. WEBER. In many ways.

Mr. SMITH. Will the gentleman yield?

Mr. WEBER. Yes.

Mr. SMITH. The gentleman is too modest. Mr. Weber is the prime author of the Texas act on—

Ms. SMOLENSKI. Oh. Congratulations. Thank you.

Mr. WEBER. Thank you. I appreciate that, Mr. Chairman.

In you all's estimation, if you were king for a day, could we take and produce a Web site like that at the national level where we enlisted the help of NGOs, where we had—and I forget, I think it was Mr. Abramowitz's exchange with Mark Meadows, that in spending the money to try to get enough of this done, funding and grants, if we didn't have a lot of money, and obviously we don't have a lot of money, if we were going to build a Web site and build a cohesive organization across the country that was able to train and do this, what agency would you give that to? And I will ask that of each of you.

Ms. SMOLENSKI. Well, I am actually very much looking forward to this national strategy document that has been proposed and it is now in the comment period.

For children, I would think it would be under HHS, but there is no agency that doesn't have a role to play.

I would also like to comment that I don't think that it needs a huge appropriations for us to shift the systems that we currently have in place for the protection and identification and prevention of child sexual exploitation. It really is mostly a matter of training and shifting some resources around in some ways. I mean, not that I don't want, of course, a robust program of protection for every child.

But we have to have every school in the United States have their teachers knowledgeable, and every law enforcement officer and every child welfare worker. And it really doesn't take that much. You know, one training and people's eyes are open and they say, oh, my God, that is right, now I understand what was going on with that child I saw last week or last year, now I understand that there is a trafficking problem in our country and those children are entitled to protection. I don't think it is all about the money. It is about awareness.

Mr. WEBER. Okay. Mr. Abramowitz?

Mr. ABRAMOWITZ. You can play a really critical role. The National Strategic Action Plan on Victim Services does try to address this issue to some degree. I think that the notion of trying to do more training across our law enforcement, the spectrum of law enforcement agencies, the Department of Homeland Security and the Department of Justice with the FBI are both really critical in this area.

And there is some good work being done in the States, including in Texas. I know my colleague Nick Sensley has been working with the Federal task force down there on some of these issues, but I think that you can really make a difference in inputting this plan.

And just to underline something that Ms. Smolenski said, the Alliance to End Slavery and Trafficking had a conference call, the first ever, among child welfare agencies around the country with other advocates to talk about how, you know, these kids are in the system. They are already receiving services.

Mr. WEBER. They have already been identified.

Mr. ABRAMOWITZ. Well, they have been exploited in some way, but they are not really seen as trafficking victims, that the severe exploitation that they have had is not necessarily being identified, and they do need some special services, but they are not that different from the services that kids in a good system are already receiving. And if you can just try to identify them through the training that Ms. Smolenski was saying and then provide them some services that are not necessarily unequivalent, that are parallel to services they already get, you can really make a difference and make sure that they don't give up on the system and leave and so on.

Mr. WEBER. Right.

Mr. ABRAMOWITZ. So, I really would commend

the action plan and think about how you could help get it right.

Mr. WEBER. Okay. And then, I am sorry, I don't remember, it might have been you, Ms. Smolenski, talked about combining the data where we had nationwide data earlier. And my question was,

who would head that up? Would it be HHSC, would it be the FBI, would it be—

Ms. SMOLENSKI. Actually, I think David said something, as we fight over the microphone here. I wanted to say that what we need is the kind of data that when somebody asks me, is the problem getting worse or better, that there is some basis for answering that, because right now I don't have that. We do have some generally agreed upon numbers, you know, 200,000 to 300,000 children at risk, 100,000 sexually exploited probably. Statisticians are always stepping up to attack those numbers because of the methodology behind them. But really what we need is a regular surveillance about what is going on with our kids and some ability to measure that this thing we did actually helped stop it, helped prevent it, you know, that it had an impact and that we should be able to measure those things in our policies. And those are the kinds of statistics, I think, that we need.

Mr. WEBER. Okay. Thank you.

Mr. ABRAMOWITZ. There is the Human Smuggling and Trafficking Center. The Department of Homeland Security has theoretically been tasked by the President with trying to do some analysis on overall trends. I am not sure they are trying to get to a specific number, but really on trends, where the flow is going, where can we intervene. And I think this is for both domestic and foreign victims. But I am not quite certain about how far they have progressed on that. There have been efforts to work with them in the past, but I am not sure.

I was mentioning, I am not sure you were in the room, Mr. Weber, there is this idea of having the National Academy of Sciences try to do a very comprehensive approach, which they do do some work like this, and they apparently are interested. And we are waiting for a proposal from them that we could then bring to champions to see if they would be interested in supporting this.

Mr. WEBER. Oh, okay. And then, finally, I think you, Mr. Abramowitz, or somebody said something about the Olympics. They are building buildings. And was it China?

Mr. ABRAMOWITZ. In Sochi, Mr. Weber, in the Russian Federation who are hosting the Winter Olympics.

Mr. WEBER. You can tell how much I keep up with the Olympics. Is there pressure being put on the Olympics not to participate in a country that does that?

Mr. ABRAMOWITZ. Yeah. I don't know what the Olympics are doing, you know. They have had some of these problems. This is becoming an increasing issue where various sporting associations, whether it is the International Olympic Committee, whether it is FIFA with soccer where there is a lot of construction that takes place and then, you know, labor has to be imported because they don't necessarily have all the labor there to do these large construction projects.

I don't know what the IOC is doing on this. Certainly the State Department has been pushing the Russian Federation to try to put in preventative measures. We are looking at the World Cup in Qatar, which is quite a ways away, but they are starting construction planning right now, and there almost every laborer will have

to come from outside the country because there is no workforce in the Gulf indigenously, so—

Mr. WEBER. But the good news is they can afford that.

Mr. ABRAMOWITZ. Yeah. And hopefully they can afford to do it right.

Mr. WEBER. Yeah.

Mr. ABRAMOWITZ. So we actually are wanting to talk to FIFA about making sure that they are putting pressure on Qatar to make sure that those games are slave free.

Mr. WEBER. And then finally, last question. Is there a database of companies that have agreed or signed onto the idea that they will not contract to buy materials from another country that uses forced or child labor, Mr. Campbell?

Mr. CAMPBELL. We have been working with many companies who have pledged to stop purchasing cotton from Uzbekistan. And what I can tell you is, hopefully on behalf of those companies we work with, they desperately need the help of the U.S. Government as well because the resources of the U.S. Government through enforcing things like the Tariff Act and procurement will build upon the private sector resources to identify where these products are and to clean their supply chains.

Mr. WEBER. And if you had your druthers, if you could put sanctions on those Tier III countries, for sure, Tier II also perhaps, what would that do to the U.S. economy? Is there any kind of guesstimate out there? In other words, you are going to say we can't trade with those countries. What does that do in the way of our trade imbalance? Anybody know? How much does it affect? How much is at stake?

Mr. CAMPBELL. In terms of Uzbekistan, it will have minimal, if any impact at all.

Mr. WEBER. Well, I am talking about all the countries that we have talked about, China, North Korea, Russia, and right down the line, it has got to be huge.

Mr. ABRAMOWITZ. I think, you know, Mr. Weber, I am not sure that is the right way to think about it. The companies need to be responsible in terms of trying to figure out what is in their supply chain and who they are working with. They already have various kinds of auditing requirements that they do to make sure that product quality is right, et cetera, and they can try to do more to make sure that those companies that they are working with and particular products that they are buying are ones that—slave free is very difficult, you know, it is very difficult to trace all the way down, but you can really tolerate no slavery in your supply chain and you can work over time to try to change the practices throughout these various supply chains, including to all these countries.

Mr. WEBER. Okay. Yes?

Mr. CAMPBELL. Just to add one point to that. The sanctions in terms of the Tariff Act are good sanctions because they are targeted. They are not on entire country. So it is when you have information that a product is being manufactured with forced labor.

Mr. WEBER. Who follows up to track what he is trying to track back down to slavery, back down the chain to see. Who follows that up? Who researches that?

Mr. CAMPBELL. In terms of imports, it is supposed to be DHS. Often they rely on outside groups like myself to supply them the information as we do our own research with researchers on the ground. It is intensive research, it is dangerous research, and so the more that the U.S. Government can help us do that type of research is vital.

Mr. ABRAMOWITZ. At the end of the day, Mr. Weber, the companies have to do this themselves and they have to accept to accept this responsibility.

Mr. WEBER. Kind of what I am figuring, too.

Mr. ABRAMOWITZ. Yeah. It is not possible for the U.S. Government to be looking, you know, under every factory, you know, warehouse or in every factory warehouse. They have to be really responsible. And they are starting to be responsible. Recently California passed a law, the California Supply Chain Transparency Act that Chairman Smith is very aware of, which just said that companies had to declare what they were doing, companies that had over \$100 million of sales in California, what they were doing to try to make sure that slavery was not happening in their supply chains. And we have been doing some research, and a number of companies haven't even declared what they are doing because it is perhaps a little challenging for them to figure out how they are actually monitoring this in their supply chains.

Mr. WEBER. Well, my guess is that that brings, it brings attention to the matter and brings hope to the women, I think you said, Ms. Scholte, just by saying that we were going to put pressure on governments and that those victims actually sat up and said, hey, somebody is noticing.

So, all right, I yield back. Thank you, Mr. Chairman.

Ms. SCHOLTE. I was going to add one thing, too, just regarding China. I mean, Harry Wu has done a tremendous amount of work with the Laogai Foundation about the Chinese slave labor camps and the products and trying to identify products that are coming in from those camps, and a very critical resource on that issue.

Mr. WEBER. Thank you.

Mr. SMITH. Thank you, Mr. Weber.

Before we conclude, just a couple of final questions. You have been very, very generous with your time. And believe me, we will act based on the information you have given, so thank you so much.

Now, you mentioned, Ms. Scholte, Harry Wu. We had a hearing—I had it—in 1990s, mid-1990s, and he had six survivors of the laogai, including Palden Gyatso, who is a Buddhist monk who had been tortured horribly, as were the others. We have tried for years to get the U.S. Government to do just what, Mr. Campbell, you talked about, how the Ambassador from Uzbekistan will go and testify, and apparently the Office of the Federal Trade Representative swallows hook, line, and sinker false information that is given to them or conveyed to them, even though the State Department tends to get it right in their human rights report.

But that said, perhaps you might want to speak to this. It seems as if the Smoot-Hawley Act, which is the tariff act that precludes the importation of slave-made goods, is never enforced or almost

never. And I will give you one example, and if it takes this, it shows how unenforceable or how customs is not doing its job.

When Frank Wolf and I went to Beijing Prison No. 2, which had 40 Tiananmen Square activists, we literally got some jelly shoes and some socks that were being made by the convicts and brought it here, they were being sold in U.S. department stores. We went to the customs people and said, you have got to put an import ban on these, and they did.

But I have met with our trade representatives or our customs people in our Beijing Embassy in the past and they are like the Maytag repairman. They have no job to do vis-à-vis this kind of importation.

You might want to take this back or give maybe an answer now. It would seem as if we have to update our efforts to combat this importation capability that goes unused.

I would point out that Mark Lagon pointed out in his testimony that the ILO's 20.9 million people in the world who are either human trafficking or forced labor victims, of that ILO study he says 2.2 million or over 10 percent are from forced labor, and an overwhelming majority of that number comes right out of China in their laogai system. And yet how many import bans have there been? I don't know of any other than the one we are talking about that Wolf and I were able to get the Customs Department to do.

So it is a very serious problem, not just in Uzbekistan but again in China, so maybe we need to look at Smoot-Hawley and upgrade that legislation.

I would ask, Ms. Smolenski, you might want to speak to this, on Monday I will be at the Ukrainian Embassy for a rollout of an effort. They are the Chair in Office of the OSCE this year. We have been talking to them for some time about the importance of the Airline Ambassadors initiative and the Blue Lightning effort to train flight crews and other transport, but especially flight crews, on how to spot a trafficker. And it has worked. Delta and American are, you know, are well along in their efforts to spot people who are trafficking while it is in progress. You might want to speak to the importance of rolling that out worldwide so that these victims can be protected.

Ms. SMOLENSKI. Thank you for the opening to talk about the code of conduct that has developed for the travel industry. We call it the Child-Protection Travel and Tourism Code of Conduct, where we ask companies to voluntarily take six steps to ensure that no child sex trafficking is taking place on their airline, in their hotel, or on their tour. Internationally, about 1,000 companies have signed, and we finally have some momentum in the United States as well with Delta Airlines that has signed the code of conduct, Hilton, Wyndham, Carlson companies, and a number of other companies. Besides the companies that have, as we call it, gone all the way by actually signing the full six-step code of conduct, other companies are doing training as well, such as American Airlines, I understand.

So we really think that it is a great model for companies to take steps because, while they haven't been dying to talk to us about a child trafficking issue that they have in their supply chain. When we get in the door with them, they really see it is in their best in-

terest to do something like this. So it has been quite gratifying in the last couple of years.

Mr. SMITH. Can I just ask you, Mr. Abramowitz, whether or not the NGO community fully appreciates and works against the one-child per couple policy in China? In and of itself it has caused irreparable damage, loss of so many of the girl children through sex selection abortion, but the impact that it is having on trafficking, which will not abate for decades because the missing daughters is a horrific phenomenon that is not going to turn around anytime soon, even if they got rid of the policy tomorrow.

I have raised it for years. It took years admonishing the TIP Office to look at that, and it wasn't until Ambassador Lagon looked at it that we finally got some reporting on just how that is a primary cause, not the, but a primary cause of why China is becoming the magnet for trafficking, to quote Ambassador Lagon. Is it understood?

Mr. ABRAMOWITZ. Thanks, Mr. Chairman. You know, obviously you have had several very compelling witnesses who have testified while I have been, you know, here and also when I was on the committee on this issue. There are obviously a number of groups who do focus on this issue.

I would say in the trafficking community the issue around China and Chinese policies has been one that I haven't seen very well developed among the trafficking groups. The work I have been primarily doing with civil society has been on affecting U.S. Government policy as opposed to working with the U.N. and others who could, you know, make a difference. But I will certainly take this back and we will talk about it.

Mr. SMITH. I appreciate that so much.

Let me ask you a question in terms of the new legislation, which included as a minimum standard the participation and inclusion of NGOs in the work. While I do believe that has tremendous surface appeal, I am concerned and I think we have to be very careful that the State Department doesn't default and say, oh, they are working with so-and-so NGO, whether it be indigenous or foreign, therefore they get a bit of grade inflation in terms of not being dropped to Tier III, for example, or into the Watch List if they are currently Tier II.

You will recall, David, we worked very hard on those minimum standards to say how many people are being prosecuted, how many people are being convicted, how many actually go to jail and for how long. And then, of course, on the protection side, what actions are being taken. And I am very worried, frankly, that with the best of intentions, that new language might have the impact for people within State, maybe not in the TIP Office, but others who will say, oh, but they are working with so and so. They had an NGO forum, isn't that grand. No, we need hard evidence and empirical data that they are serious, because the last thing we want is something that is something less than faithfully and seriously combatting trafficking.

Mr. CAMPBELL and then Mr. Abramowitz.

Mr. CAMPBELL. On that point I think, as applied to Uzbekistan, it is vital that they understand when applying this what is an NGO, that Uzbekistan is full of government-controlled NGOs. And

so if they are looking at whether participation of NGOs, I would like to know from them how can you tell if it is a government-controlled NGO in Uzbekistan and be very careful.

Mr. ABRAMOWITZ. You know, I think that Mr. Campbell makes a great point. You know, in the world I have been working in, recently they have a new term for that, GONGOs, government NGOs, GONGOs. And clearly this is a significant problem if it is applied that way. The minimum standards that were added by the act—and, I think, Mr. Chairman, you are right, that if there had been a way to get into conference on this, this is an area where you could have made a big difference and made the bill better, at least ensured that it was tightened up.

There were some changes, as you know, that were made before it got added that did improve somewhat, and they did have this provision that was added in about appropriately addressing allegations against public officials who are involved in trafficking, which is something that we have worked on together for a number of years.

You know, I think that we do need to make sure that the partnerships that are used as part of this criteria are effective and that they have real outcome-based types of objectives within any agreements either with the United States or with NGOs so that you can say this is not just cosmetic, that there are real tangible outcomes that are supposed to come out of these agreements. And if, in fact, the State Department is pointing to those kinds of arrangements that don't have those kinds of criteria in it, it is very, very worrisome and we will have to keep a look at it.

I am hoping that, you know, Mr. Royce's statement that goes to some of those issues will help spur the Department to make sure they are applying this in the right way, because obviously if there are effective partnerships with NGOs in these countries, it can help move things along, but there is definitely—

Mr. SMITH. I would be all for that. It was including NGOs as a minimum standard. And again the temptation for some who do not live with this day in and day out to say, oh, but they are working with a very good group called—and just fill in the blank. And again delay is denial for a trafficking victim and for people who will at some point in the future be trafficked if there is not really a determination on the part of that country.

And as you know as well as I, all of us know, you know, the Department has abused, in my opinion, and I say this respectfully, but it has abused the Watch List. It was never intended to be used as it has been used.

Yes?

Mr. THANG. Yes. In the context of pressure, I would like to suggest that we could use the TIP Reports to give out benchmarks that are country specific to those governments placed on the Tier II Watch List. These reports contain a lot of valuable information that could be used. For instance, J/TIP could have gone back for 3 years and extract information from the cases that have been featured in their past TIP Reports, and there are many cases featured in there. And then just go back to that government that is placed on the Tier II Watch List and ask them how many among those traffickers are there in those cases featured in the TIP Report over

the past 3 years? How many of them have been investigated or prosecuted? How many of the victims in those featured cases have received protection, assistance, reintegration, and have had access to justice? How many of those NGOs that have exposed those cases have been consulted and involved and engaged?

So instead of just asking those countries to engage their civil society and leave it up to them to pick and choose which NGOs, and they might take the GONGOs instead of real NGOs that have proven the value and proven the good work through those cases. There is a lot of information already embedded in the TIP Reports. So that suggests that we maybe suggest to the J/TIP Office to just go back through their past TIP Report and their own information. They have the background information to support those cases.

And also, Mr. Chairman, I would like to request your approval to include a report that we have prepared for submission to the U.N. Human Rights Council in advance of the UPR, Universal Periodic Review, of Vietnam relating to human trafficking situation in Vietnam as part of this hearing's record.

Mr. SMITH. Without objection, so ordered.

When is the Universal Periodic Review?

Mr. THANG. It will be January or February of next year.

Mr. SMITH. Okay. Thank you.

Anybody else like to add anything before we conclude.

Ms. SCHOLTE. I just want to ask, there is a document that we would like to submit that is a listing of the people that the Chinese have arrested. We hold them accountable for North Korean refugees, humanitarian workers, people who have been jailed. We are in the process of updating that and we would like to submit it as part of our testimony today.

Mr. SMITH. Without objection, it will be a part, thank you.

Thank you so much for your testimony, for taking the time to prepare very extensive testimonies that are filled with very important and actionable information. And this will be the first this Congress of a series of hearings on trafficking. You got us off to a great start. And I do hope that the State Department will be listening. I have a great deal of hope and expectation that Secretary Kerry will be very diligent, but I hope that what he is fed, the information that gets to his desk will be the right information, and that is, I think, the challenge that we face.

[Whereupon, at 4:05 p.m., the subcommittee was adjourned.]

A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING 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 17, 2013

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 2172 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov).

DATE: Thursday, April 18, 2013

TIME: 1:00 p.m.

SUBJECT: Tier Rankings in the Fight Against Human Trafficking

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

Nguyen Dinh Thang, Ph.D.
Executive Director
Boat People SOS

Ms. Suzanne Scholtz
President
North Korea Freedom Coalition

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

Ms. Esther Choe
Victim of human trafficking

Mr. David Abramowitz
Vice President, Policy & Government Relations
Humanity United

Ms. Carol Smolenski
Executive Director
End Child Prostitution and Child Trafficking-USA

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 Thursday Date April 18, 2013 Room 2172 Rayburn HOB

Starting Time 1:00 p.m. Ending Time 4:09 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

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

TITLE OF HEARING:

Tier Rankings in the Fight Against Human Trafficking

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Steve Stockman, Rep. Karen Bass, Rep. Ami Bera, Rep. Mark Meadows, Rep. Randy Weber

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

Rep. Ed Royce

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.)

Prepared statement from Rep. Royce
Document from ATEST on the impact of U.S. anti-trafficking reports
Document from CAMSA on trafficking Vietnam
Information about China and North Korean refugees

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 4:09 p.m.


Subcommittee Staff Director

Remarks of Chairman Ed Royce
Subcommittee hearing on "Tier Rankings in the Fight Against Human Trafficking"
April 18, 2013

Chairman Smith, I want to thank you for holding this hearing, and for your tireless commitment to fighting human trafficking during the past decade and a half.

Human trafficking is modern slavery, and crushes the lives and hopes of millions around the world -- especially women and girls -- for the unjust benefit of others, including criminal syndicates and terrorists.

Today's subcommittee review is critically important because the upcoming country tier rankings will be the first time that the Administration unavoidably runs into the limits set by Congress in 2008 on how long a country can avoid the worst, Tier 3 designation, by sitting on the "Tier 2 Watch List."

The "parking lot" is now closed: The Administration can no longer avoid telling hard truths about politically sensitive countries by keeping them indefinitely on the "Watch List," which was not part of the original, three-tier structure established by the Trafficking Victims Protection Act of 2000.

If time-limited countries have not made significant efforts to comply with minimum trafficking standards, they must be downgraded to Tier 3 status.

Unfortunately, the same reason that Congress has had to push so hard to time-limit the Watch List, is the same reason that I have concerns about aspects of the trafficking reauthorization recently passed as part of the Violence Against Women Act reauthorization.

While I strongly supported the VAWA bill as a whole, I am worried that the Senate's trafficking language could harm the important work of the Office to Monitor and Combat Trafficking in Persons -- the TIP Office -- at the State Department.

Within State, the TIP Office has been the Congressionally-authorized anchor that keeps our trafficking advocacy from being swept away by the usual pressures of bilateral diplomacy.

In contrast to the funding increases elsewhere in that bill, I simply do not understand the cuts to the TIP office, and I hope that today's witnesses -- especially Ambassador Lagon -- can discuss any dangers posed by those changes.

Thank you, again, Chairman Smith, for your continued oversight of these critical human rights issues.

MATERIAL SUBMITTED FOR THE RECORD BY MR. DAVID ABRAMOWITZ, VICE PRESIDENT,
POLICY & GOVERNMENT RELATIONS, HUMANITY UNITED

ATEST

Impact of U.S. Anti-Trafficking Reports on Certain Countries

Cambodia:

- Cambodia's placement on Tier 3 in the 2003 Department of State Trafficking in Persons Report (TIP Report) was instrumental in persuading the Cambodian government to counter child sex trafficking.
- In particular, an active U.S. diplomatic mission, led by Ambassador Charles Ray, was able to use the designation to persuade Cambodia to address child sex trafficking seriously. This included specific actions, such as collaborating with the International Justice Mission that led to freeing victims from abuse, and arresting and convicting perpetrators.
- In the years following Cambodia's placement on Tier 3, the TIP Report has helped to maintain pressure on the Cambodian government and provided a critical tool for advocates in engaging with the government.

Cameroon:

- After four years on the Tier 2 Watch List, Cameroon passed comprehensive legislation criminalizing the trafficking of adults and children for purposes of sex and labor exploitation in 2012. The TIP Report was instrumental in galvanizing political will to strengthen the legal framework, a critical factor in Cameroon's move to Tier 2.
- The TIP Report also influenced greater efforts to coordinate among criminal justice professionals and NGO service providers, including the establishment of an Inter-ministerial Committee with representatives from the Ministries of Justice, Social Affairs, and Labor.

India:

- The TIP Report played a crucial role in putting trafficking for sexual exploitation on the U.S.-India bilateral agenda. Advocates hope that the increasing focus in the TIP Report on bonded slave labor in India will provide a similar opening.
- Shortly after the Department of Labor's List of Goods Produced with Forced and Child Labor was published, International Justice Mission's office in Chennai was approached by a local official asking for assistance in investigating child labor in the silk industry (silk being one of the goods included on the list).

Gulf Cooperation Council (GCC) Countries:

- The TIP Report has been instrumental in moving countries such as the United Arab Emirates, Qatar, and Bahrain to recognize and acknowledge their human trafficking problems – in particular, trafficking of migrant workers for labor exploitation through legal temporary migration schemes.
- Before the TIP Report highlighted such cases of trafficking, many GCC countries denied they had problems with trafficking for labor exploitation, focusing primarily on trafficking for sexual exploitation. While these countries may not be concerned about sanctions, they are concerned about reputational damage from being placed on the Tier 2 Watch List or Tier 3. Solidarity Center has found that the TIP Report has opened up tremendous space for NGOs, unions, community, and migrant worker associations to advocate for reforms to improve the lives of migrant workers in the GCC.
- For example, in Qatar, the TIP Report has been a critical tool in encouraging local NGOs and especially the National Human Rights Committee (NHRC) and the Qatari Foundation for Combating Human Trafficking (QFCHT) to be more proactive in combating trafficking in persons. As a result, the Government of Qatar, together with QFCHT, launched "The Arab Initiative for Building National Capacities for Combating Human Trafficking."
- In Kuwait, the increased sensitivity to the issue of trafficking generated by the TIP Report has allowed local partners, such as the Kuwait Trade Union Federation (KTUF), to be more effective in advocating for

migrant worker rights. The TIP Report helped galvanize a department within the KTUF, with a leader who is speaking out internally and externally about the need to address trafficking in persons. The KTUF is now participating in public events and cooperating with Embassies of countries of origin, putting this issue on the agenda and catalyzing discussion around issues such as changing laws.

- The TIP Report has also helped catalyze responses that have had regional impact. For example, the 2001 TIP Report raised awareness on the abuses faced by children used in the traditional sport of camel racing, who were brought from Bangladesh and other countries into various Gulf states. Shortly thereafter, the regional sporting association voluntarily banned the use of children under 15 years of age in such races, and UAE and Qatar, where many regional races take place, prohibited the practice by law. Media scrutiny continues for alleged violations of the ban, helping to hold governments accountable for enforcing it.

Indonesia:

- Indonesia's placement on Tier 3 in the 2001 and 2002 TIP Reports prompted it to assign a set of capable and energetic officials to create a task force on human trafficking. This task force succeeded in shepherding a national anti-trafficking law into place in 2007. The law would not have been passed without the pressure imposed on the Indonesian government through the TIP Report.
- The Solidarity Center has found that Indonesian government officials take requests for information for the TIP Report very seriously, in part because the U.S. Embassy Labor Officers are personally involved.

Israel:

- Israel was placed on Tier 3 of the TIP Report in 2001 in large part for its failure to address the trafficking of women from Eastern and Central Europe into Israel for sexual exploitation. Civil society contacts indicate that while human trafficking was a known problem, the government made little effort to address it prior to the TIP Report. Its placement on Tier 3 caused it to take significant steps to address the problem.
- From 2002-2003, the Israeli government became significantly more engaged in combating trafficking. Since then, the Government of Israel has established a new anti-trafficking framework (including passing an anti-trafficking law in 2006), opened shelters, and prosecuted and convicted traffickers, in some cases handing out stiff sentences.
- Awareness by the Israeli government has also increased, in particular awareness about trafficking into labor exploitation and of abuses by labor recruiting agencies, with the Israeli government prosecuting perpetrators of forced labor and recruitment fraud. In 2009, the Israeli government broke up a major human trafficking ring that had been responsible for trafficking an estimated 2,000 women into Israel.

Japan:

- The release of the TIP Report in 2004 with a Tier 2 Watch List ranking for Japan put strong international pressure on the government. The ranking gave significant traction to domestic anti-trafficking advocates and triggered the Japanese government to act. Polaris Project considers the TIP Report ranking to have been a critical step forward in building the political will for the eventual passage of a human trafficking law in Japan.
- The TIP Report's inclusion of a section on issues related to foreign "trainees" brought to Japan to work as apprentices in the labor sector created significant media attention. The Japan Network Against Trafficking in Persons (JNATIP), a coalition of domestic NGOs, was able to do some advocacy efforts around the issue. As momentum built, the issue of reforming the trainee system appeared to be taken more seriously by the Government of Japan and was included in the official 2009 National Action Plan.

Malaysia:

- Malaysia's Home Minister attributed the passage of Malaysia's 2007 anti-trafficking law to the "US Blacklist," i.e., the TIP Report.
- Malaysia was ranked on Tier 3 in 2009, when the TIP Report cited a report by the U.S. Senate Foreign Relations Committee indicating that Malaysian government officials were involved in a scheme to take arrested migrant workers to the border of Thailand and sell them into forced labor in Thailand and on Thai fishing boats. The Malaysian Government denied the accusations, and then a few weeks later arrested several government officials for being involved in this exact scheme.
- Solidarity Center has found that its main partner, the Malaysian Trade Union Congress (MTUC), sees the TIP Report as instrumental in raising awareness about the exploitation and trafficking of migrant workers in Malaysia. The Malaysian government is quick to deport migrant workers who report abuse or end up in undocumented status. The MTUC is advocating for government reforms to allow trafficking victims, who may be in an undocumented status, to come forward and receive legal remedies.

Nigeria:

- The TIP Report was an important catalyst for combating trafficking in Nigeria, particularly the trafficking of women to Italy for sexual exploitation.
- After Nigeria's 2004 designation as a Tier 2 Watch List country, the wife of the President of Nigeria helped develop a comprehensive framework, including research on prevalence, the establishment of frameworks, and implementation of new prevention, protection, and prosecution mechanisms.
- Government efforts to intercept attempts to traffic women have steadily increased, with 1,000 interceptions in 2007 and 1,269 interceptions recorded in 2008, when Nigeria reached Tier 1 ranking in the 2009 TIP Report. Prosecutions have also increased since 2004, with 67 convictions of traffickers taking place between 2004 and 2009.

Philippines:

- The Philippines was designated as a Tier 2 Watch List country for the second year in 2010, requiring that significant progress be made in meeting minimum standards lest the Philippines fall to Tier 3 in the 2011 TIP Report. The Office to Monitor and Combat Trafficking in Persons, strongly supported by the U.S. Embassy in Manila, worked closely with the Aquino Government to address particular weaknesses in the country's capacity to combat sex and labor trafficking. Thanks to the TIP Office's analysis and diplomacy, the Government of the Philippines was encouraged to make profound reforms, including putting trafficking cases on a fast track. The result was to unclog a years-long pipeline of unfinished cases. In the 2011 report the Office to Combat and Monitor Trafficking in Persons upgraded the Philippines to Tier 2 where it has remained because of the improvements made and the sustained political motivation.

Swaziland:

- The removal of a threshold test for covering countries in the TIP Report allowed Swaziland to be included for the first time in 2009. Its designation as a Tier 3 country led to an immediate response.
- Following its ranking on Tier 3, the Government of Swaziland immediately took steps to create a new framework and establish a task force to implement new anti-trafficking programs. The TIP office is actively monitoring implementation of this new framework. While results of these efforts remain to be seen, this immediate response indicates the continued importance of the TIP Report.

Thailand:

- The Thai government has created a working group specifically focused on the TIP Report. The working group reviews the Thailand narrative and recommendations to help guide its efforts.
- The Thai government's attention to the TIP Report has resulted in changes in line with U.S. recommendations; for example, a small increase in prosecutions for labor trafficking in 2009-2010. We are aware of convictions in four labor trafficking cases since May 2009, including the Anoma case, which is mentioned in the TIP Report. While this is significant, the penalties were weak, and many more cases go

unprosecuted. The TIP Report continues to highlight the improvements the Thai government needs to make toward prosecutions.

Lesotho:

- Lesotho debuted on the Tier 2 Watch List because it lacked a comprehensive anti-trafficking law and sufficient law enforcement efforts. Working with the U.S. Embassy, Lesotho enacted a comprehensive anti-trafficking law in 2011.
- The government of Lesotho has worked over the past two years to increase law enforcement efforts, develop a national action plan, and develop implementation regulations for the 2011 law. Despite scarce resources, the Government of Lesotho has made progress because of the recommendations by the TIP report.

Dominican Republic:

- The Dominican Republic has spent four of the last six years on the Tier 2 Watch List and 1 year on Tier 3. The Dominican Republic was placed on Tier 3 after three years on the Watch List with limited progress in prevention and protection and no prosecutions and official complicity. The government responded to this placement by increasing efforts to identify and protect a greater number of victims. It released a National Anti-Trafficking Action Plan in 2010.
- The Government of the Dominican Republic has made addressing human trafficking a priority. The government has made progress in identifying child and adult victims. In case of the Dominican Republic, the TIP report helped create momentum to address human trafficking in a country that historically had struggled to demonstrate political motivation.



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MATERIAL SUBMITTED FOR THE RECORD BY NGUYEN DINH THANG, PH.D., EXECUTIVE
DIRECTOR, BOAT PEOPLE SOS



Setting Captives Free

COALITION TO ABOLISH MODERN-DAY SLAVERY IN ASIA
(CAMSA)

Website: <http://camsa-coalition.org>

Submission to the Universal Periodic Review of the Socialist Republic of Vietnam

By Coalition to Abolish Modern-day Slavery in Asia (CAMSA)

1. Founded in February 2008, CAMSA is a coalition of international and national organizations sharing the same goal of eliminating labor and sex trafficking of men, women and children within, from and to Asia.
2. The 2009 UPR of the Socialist Republic of Vietnam (SRV) contains over one hundred recommendations. Of these we will focus on recommendations relating to forced labor, human trafficking and labor rights, namely:
 - Cooperate with the international community and neighbouring countries particularly in the fight against transborder organized crime, and fight against trafficking in women and children (Islamic Republic of Iran).
 - Intensify its efforts to combat child prostitution, provide effective support to the children affected and sensitize its police forces to this problem in particular through adequate training courses (Austria).
 - Continue national efforts aimed at combating forced labour and taking necessary measures to prevent, suppress and punish trafficking in persons, particularly women and children (Morocco).

Methodology and consultation process

3. The information presented herein is drawn mostly from some 60 cases involving around 3,000 Vietnamese victims of human trafficking that we have rescued or assisted over the past 5 years. As a coalition of international and national organizations we have regularly conducted consultation with coalition members as well as partners. We have compiled their inputs on specific cases and also their observations and analysis of broad policy issues. Namely, we have included information from service providers in destination countries (such as Malaysia and Taiwan) that work to rescue and protect Vietnamese victims of human trafficking, and from organizations that conduct prevention campaigns or serve repatriated victims in Vietnam. We have also consulted legal professionals inside Vietnam about Vietnam's labor and anti-trafficking in persons (ATIP) laws.

Developments since 2009 UPR

4. In March 2011 the SRV's National Assembly passed the anti-trafficking in persons (ATIP) law. This law would take effect January 1, 2012. The SRV developed a national 5-year plan and allocated the equivalent of US \$15 million to fight human trafficking. In June 2012 the SRV signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (aka the Palermo Protocol).
5. On 15th of February, 2012, the SRV's Ministry of Labor War Invalids and Social Affairs (MOLISA) issued a circular accusing ATIP organizations that have come to the assistance of Vietnamese trafficked victims in destination countries of "taking advantage of our worker's ignorance" to sabotage Vietnam's labor export program (Circular dated February 15, 2011). The same circular instructs labor export companies to exert tighter

control of Vietnamese migrant workers, intercept any contact between workers and ATIP organizations, and settle “disputes” between the striking employees and their employers expeditiously. Settling disputes often means returning to work for the traffickers.

6. As illustration, in 2012 42 Vietnamese women and 3 Vietnamese men were rescued from a labor exploitation situation in Malaysia. The Vietnamese embassy explicitly requested the Malaysian government not to allow NGOs access to the rescued victims, threatening that any such access could sour the relationship between the two countries. The Vietnamese women were then repatriated expeditiously, even before the Malaysian government could determine whether they were victims of human trafficking.
7. The recent contracts that migrant workers must sign appear to reflect this circular. Workers are now warned not “*to fabricate stories to defame, distort the truth about the policy of the Vietnamese government. Pass around information about [the labor export company] without evidence, without respect for the Vietnamese community. [Join] illegal organizations that the [destination country’s] law or the Vietnamese law does not approve. Hold a strike or mobilize, threaten, entice others to hold a strike contrary to the law ...*” Such provisions place restrictions on the migrant worker’s rights and prevent them from defending themselves in the face of labor exploitation and trafficking.
8. MOLISA operates and manages the labor export program, through which many Vietnamese have been trafficked. The government has expressly suppressed the voice of those who expose labor trafficking under this government-run program and demand justice, threatening them and their family members with punishment. State-owned labor export companies involved in human trafficking continue to operate with impunity. State-owned banks have placed many victims in debt bondage and hold the titles of their homes and farmlands. More than being merely complicit, MOLISA runs a national program that is a hotbed for labor trafficking.
9. In September 2011, Human Rights Watch published its report titled “The Rehab Archipelago” exposing the various forms of forced labor in the SRV’s rehabilitation centers, including producing cashews, sewing garments, and manufacturing other items. Through interviews with asylum seekers in Thailand, we have discovered that many individuals imprisoned because of their political opinions or because of their faith have also been subjected to exactly the same type of forced labor. One Montagnard, jailed from 2002 through 2009, had been forced to manually process cashew nuts for 7 years. His hands were eaten by the acid from the cashew nuts because he was not allowed to wear gloves. Another Montagnard jailed from 2005 until 2009 at Dai Binh Prison in Lam Dong described prisoners being divided into production teams (cashew production, farming, vegetation, packaging fish for exporting). Those failing to meet the quota imposed by the prison’s Administration were whipped and kicked. A Vietnamese dissident sentenced to 2.5 years in prison for promoting democracy over the internet and for distributing leaflets was required to break cashew shells during his incarceration at the Z 30A Xuan Loc prison. His quota was about 22 kilograms per day. Human Rights Lawyer Nguyen Van Dai, a recently released prisoner of conscience, also reported the

wide use of forced labor in prison to manufacture products that were then exported to Western countries.

Deficient Legal Framework

10. The SRV's 2011 ATIP law is substantively flawed and fundamentally out of line with the Palermo Protocol. The definition of trafficking in persons in the SRV's law protects government-sanctioned labor export companies from being implicated in the act of labor trafficking. This definition explicitly states that "transfer, receipt of persons involving payments, assets that are in nature compensations in accordance with the law are not acts of human trafficking..." The Palermo Protocol places no such restriction on the definition of the acts of human trafficking. Namely, a labor export company may charge a fee that is in compliance with the law and at the same time deceive a victim into a slave-like situation. Under Vietnam's law, this company would not be implicated in the act of trafficking human beings.

Deficient Law Enforcement

11. Over the years we have publicized the list of forty Vietnamese labor export companies involved in labor trafficking cases that we worked on. So far not a single company has been investigated or prosecuted. Instead, close to a dozen of them have received awards for excellent performance from Viet Nam Association of Manpower Supply (VAMAS). Among the awardees are many repeat offenders such as LETCO and VINAMOTOR. A partial list of such companies can be found at: <http://www.camsa-coalition.org/vi/index.php/cong-ty-moi-gioi/danh-gia-cong-ty>.
12. Vietnamese embassies often take the side of employers and blame the workers who are on strike of breaching their employment contracts, which contain provisions banning strikes. In the case of VINASTAR, a Vietnamese-owned sweatshop, 102 Vietnamese migrant workers had been forced to work 15-18 hours a day, sometimes as much as 22 hours. There was no holiday and no break on weekends. They were paid much less than what was promised in the contracts and also much less than the minimum wages required by Vietnam's and Russia's labor laws. It is estimated that the trafficker had cheated them of some US \$1,000 per month per worker on the average. There was nothing left of their salaries after deductions for food and lodging. They made numerous calls to MOLISA and the responsible labor export companies, but there was no response. When they stopped work to demand fair pay, the employer turned off power, running water and heating, and drastically reduced food rations as well as drinking water. A BBC reporter learned of this case and exposed it (<http://www.bbc.co.uk/news/world-europe-19197095>). An official from the Vietnamese embassy in Moscow soon came to talk to the workers on strike. He was caught on video stating that the workers were at fault and had breached the contract: "*We only help those who believe in the Party and the Government, not those who 'betray' our Government.*" He meant that these victims had betrayed the Vietnamese government by contacting the international media. Responding to the BBC report, the Russian authorities later rescued all victims.

13. VINASTAR is hardly the only case of Vietnamese trafficked to Russia. There are reportedly some 3,000 Vietnamese-owned sweatshops in and around Moscow alone, each employing between 30 and 150 workers. There has been no record of any victim ever rescued or assisted by the Vietnamese government. There has been no record of any labor export companies prosecuted for the act of labor trafficking.
14. The Vietnamese embassy in Malaysia has gone one step further, requiring that Malaysian employers include specific provisions in all contracts with migrant workers from Vietnam (List of the Required Documents and Sample Documents for Attestation issued by the Vietnamese Embassy in Malaysia, May 2002). One such provision states that "The Employee shall not strike or being [sic] involved in any strike or industrial action as well as any political activities and activities of those related with Trade Union in Malaysia, or instigate others to commit such acts." This provision not only excludes Vietnamese migrant workers from seeking protection and support from labor unions, it contravenes Malaysian law, which allows migrant workers to join Malaysian trade unions. Another provision stipulates that "Employee shall not engage in any romance relationship and/or marry and/or intent [sic] to marry any Malaysian in the period of this Contract." Violation of these provisions would constitute a breach of the contract, which would expose workers to heavy penalties imposed by the labor export companies. These provisions have rendered Vietnamese migrant workers highly vulnerable to labor exploitation and trafficking by employers and put them at the total mercy of the labor export companies.
15. Even in the realm of sex trafficking, there are signs of complicity of certain government officials. In the case involving 15 young Vietnamese women held captive and forced into prostitution at a Vietnamese-owned brothel in Moscow, the Vietnamese Counselor Envoy to the Russian Federation refused to intervene when four victims who had managed to escape from the brothel sought the embassy's protection and help. They were soon recaptured by the trafficker. It later turned out that this Counselor Envoy and the brothel's owner are close acquaintances. This case soon made the news in the US (<http://www.houstonchronicle.com/news/houston-texas/houston/article/Houston-woman-worried-for-sister-in-Russia-4301768.php#ixzz2Li3iZGAg>). To avoid further publicity, the brothel's owner released the victim featured in the Houston Chronicle to the Vietnamese embassy. An embassy staff instructed the victim to write a letter thanking the Vietnamese embassy and the brothel's owner for having facilitated her repatriation.
16. A number of victims of labor trafficking are seeking refugee protection in Vietnam's neighboring countries because the Vietnamese police had arrested, detained and beaten them for having exposed labor trafficking in the government's national labor export program. Two of these victims were ordered by the police to pay huge sums of penalty to the labor export companies for having breached their contracts when they escaped from the labor trafficking situation.

Involvement of Civil Society

17. The SRV does not allow the free formation of genuine non-governmental organizations (NGOs). This has excluded the full participation of civil society in combatting human

trafficking. Consequently there is no mechanism to monitor law enforcement, advocate for the rights of victims, and challenge the labor export companies (particularly state-owned ones) which engaged in labor trafficking under national programs run and promoted by the government. In such circumstances, government-sanctioned NGOs (also known as government-operated NGOs, or GONGOs) would inevitably come into conflict of interests. Indicative of this conflict is the fact that very few of these GONGOs have provided assistance to victims of labor trafficking. None of them has taken on labor trafficking cases without the vetting and approval of the government.

18. Vietnam's state-controlled media do not report even high-profile cases that have been featured in reports by foreign governments or published in the international media. This absence of media coverage about typical cases of human trafficking severely hinders prevention efforts.

Recommendations

19. In light of the above, we respectfully make the following recommendations to the Human Rights Council's Working Group and the SRV.
 20. The SRV should amend its 2011 ATIP law and adopt the Palermo Protocol's definition of human trafficking.
 21. The SRV should immediately investigate labor export companies implicated in labor trafficking, starting with those on our list, which makes reference to actual cases of labor trafficking and/or fraudulent recruitment.
 22. The SRV should tightly monitor and inspect the flow of Vietnamese, especially extremely low-income young people from rural areas, traveling on tourist visas to other countries, such as Russia and Malaysia.
 23. The SRV and its Vietnamese embassies in destination countries should immediately eliminate contract provisions that prohibit migrant workers from joining labor unions in, seeking help from NGOs, or exercising their basic human rights (such as getting married to locals, being in relationship with locals, becoming pregnant, joining associations or organizations, or participating in religious or political events). The Working Group may want to closely examine these contracts and recommend the proper language, ideally in consultation with ILO, and then assess Vietnam's compliance with such recommendations.
 24. The SRV should immediately end the use of forced labor in drug rehab centers, re-education centers, and prisons across the country. The SRV should transfer the management of rehab centers from MOLISA to the Ministry of Health.
 25. The SRV should end all harassment against NGOs and threats against victims that expose labor trafficking, and recognize and respect the roles of non-governmental or non-government-sanctioned stakeholders in the fight against human trafficking.

26. The SRV should welcome the role of true civil society inside Vietnam (including faith-based organizations across the country) and genuine collaboration with foreign NGOs in assisting rescued victims to return home, including paying for their repatriation costs. Namely the SRV should welcome all formal and informal organizations to participate in mass education campaigns to promote prevention, the formation of legal aid organizations to help victims with access to justice, and the function of civil society organizations as watchdogs of law enforcement.
27. The SRV should publicly disclose its national 5-year action plan to combat human trafficking and welcome inputs from civil society, stakeholders and human rights organizations.



延边州开展打击运输非法越境人员的公告

各单位:

针对延边州打击非法越境犯罪情况来看,此类案件呈日益猖獗态势。为打击犯罪分子的嚣张气焰,维护延边地区社会和谐稳定,特开展打击运输非法越境人员的活动。

一、开展活动的方式

各单位以设卡为主,各大营运客车为主要检查对象,不定期对其进行抽查,对知情不报者给予严厉打击,将被相关部门列入黑名单,将对其追究法律责任。

二、对提供线索人员的奖励措施

提供三人以上五人以下非法越境人员线索者,奖励人民币 500 元。三月底前提供线索者,奖励人民币 1000 元。

提供五人以上非法越境人员线索者,奖励人民币 1000 元。三月底前提供线索者,奖励人民币 2000 元。

希望广大市民积极配合警方工作,做警方的朋友,与违法犯罪活动做斗争。

[Translation]

Chinese Police Order for Border of North Korea and China - March 2013

Report of Yanbian to launch a blow to North Koreans escaping and those who try illegally help North Koreans trying to escape

To every unit:

In order to give a blow to those illegally criminally helping those crossing the border at Yanbian and to give a blow to stop the illegal trans-boundary criminal situation at Yanbian, which day by day is rampant; in order to stop the criminals' arrogance, maintain Yanbian county's harmony and stability, especially we launch a blow to illegal border crossers (who want to escape North Korea)

First, method of launching activity:

Every unit, every camp will mainly check trucks. From time to time randomly check. Anyone who already knows about this, but does not report it to us, will have severe punishment and will be on the black list, and we will investigate them for their legal responsibility.

Second, about reward for information:

If information is provided to find 3 to 5 people illegal border crossers, we will award ¥ 500. IF information is provided before the end of March, we will award ¥ 1000.

Whoever provides information to find over 5 illegal border crossers, the award will be ¥ 1000, and if the information is provided before the end of March, we will award ¥ 2000.

We hope the majority of the people will have positive cooperation with the police, be friends with the police, and fight this illegal criminal activity. The Chinese police men stationed at the border between North Korea and China will strongly examine every truck to find North Korea defectors and anyone who helps defectors. They will give rewards to those who find them and if someone finds them before the end of March, they will reward them more money. We ask Yanbian citizens to cooperate on this.

<http://news.donga.com/NEWS/3/all/20130314/53683483/1>

포상금까지 내걸고... 탈북자 색출 나선 中

기사번호 2013-03-14 09:00:00 기사유형 2013-03-14 09:00:00

중국 北주민 범죄 늘자 中공안 단속강화 공문 하달

중국 지린(吉林) 성 옌볜(延邊) 조선족자치주 공안 당국이 탈북자의 이동을 차단하기 위해 지난달 말 산하 공안 및 변방대에 포상금 액수를 격시한 내부 공문을 하달했다. 동아일보가 단독 입수한 내부 공문은 중국이 탈북자 색출에 포상금을 내걸었다는 과거 언론 보도를 확인해 주는 것이다.

중국 소식통이 12일 전한 공문에 따르면 3명에서 5명 미만의 탈북자를 신고하면 신고자가 500 위안(약 8만 8000 원)의 포상금을 받는 것으로 나타났다. 3월까지 신고하면 두 배인 1000 위안을 받는다. 5인 이상 탈북자를 신고하면 1000 위안을 받는데, 이 역시 3월까지 신고한 사람에게는 2000 위안을 준다.

이 공문엔 "옌볜 주 불법 월경 범죄가 점차 창궐하는 추세를 보이고 있다. 범죄 투자의 맹목한 기세를 꺾고 옌볜 주의 화해 안정을 지키기 위하여 불법 월경자에 대한 우송 특별 단속 활동을 전개하라"고 명시돼 있다.

소식통에 따르면 최근 북-중 국경 지역에선 실제로 북한인의 범죄가 빈발하고 있다. 특히 북한이 올 초부터 징검다리 고조시켜 장마당이 위축되는 바람에 배고픔에 시달리던 주민과 군인들이 중국으로 넘어가 연가를 역탈하는 사례가 늘고 있다.

중국 이 탈북자 색출 방식으로 이들의 이동을 차단하는 데 역점을 둔 것은 눈길을 끄는 대목. 공문에는 "대형 여객버스형 주요 점검 대상으로 물서 검문을 진행하고, 상황을 알고도 신고하지 않는 자는 엄히 단속하며 관련 부서의 블랙리스트에 포함시켜 법률적인 책임을 물어라"고 적혀 있다.

주성하 기자 zsh75@donga.com

Chinese authorities launch search for North Korean refugees... Reward money offered...

As crimes committed by hungry North Korean refugees increase, Chinese authorities launch decree concerning increased police crackdown

Chinese authorities in Yanbian, Jilin Province issued an order to crackdown on the movement of North Korean refugees and also offered a monetary award for enforcing this crackdown. This document, which has been obtained exclusively by Dong A Ilbo, confirms that Chinese authorities have indeed offered financial reward for finding and arresting North Korean refugees.

According to sources in China, if three to five North Korean refugees are reported, the person who reported in the refugees will receive 500 yuans (about 88,000 KRW). Those who report until March will be paid double, 1000 yuans. Those who report more than 5 refugees will receive 1000 yuan also, and for those who report more than five refugees until March, will also get paid double, 2000 yuans.

This document also states, "give a blow to stop the illegal trans-boundary criminal situation at Yanbian, which day by day is rampant; in order to stop the criminals' arrogance, maintain Yanbian county's harmony and stability, especially we launch a blow to illegal border crossers (who want to escape North Korea)."

The sources also indicate that there is an increasing frequency of crimes being committed by North Korean refugees in the China-North Korea border areas. Especially now, there is an increasing number of North Korean citizens and soldiers crossing the border into North Korea to escape the hunger, due to the increased fears of the chances of war happening, and also the crackdown on the black markets.

The emphasis of the Chinese authorities to crack down on the movement of the North Korean refugees and thereby find them has the noticeable passage in the document: "Every unit, every camp will mainly check trucks. From time to time randomly check. Anyone who already knows about this, but does not report it to us, will have severe punishment and will be on the black list, and we will investigate them for their legal responsibility."

Reporter: Joo Sung Ha

