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Chairwoman Bass, Ranking Member Smith, and Members of the Subcommittee,

I am honored to be here today to testify about human trafficking. I am grateful for this invitation to speak about measures to combat human trafficking.

You have probably heard that human trafficking can happen to anyone. That is true. But that is not the whole story. Trafficking happens when someone is vulnerable – socially, economically, or racially.

Human trafficking happens too often to immigrants and people of color. Africans are still being sold into modern day slavery. Traffickers use force, fraud, deception, and coercion to prey upon the most vulnerable. That was true 400 years ago. It remains true today. We face a modern form of slavery. The fundamental difference between the illegal slave trade that operates today and the legal slave trade more than a century ago is the context. The state enforced chattel slavery before the Civil War. Today, it is a crime.

Today, trickery is the trafficker’s tool. Deception is used to get people to travel voluntarily to America. They arrive with hope and a dream that they will be able to create a better life for themselves and their families. But once a person is away from their family, their culture, their support systems, they discover that they have been lied to. It happens, every day, at airports all around the country. People come to this country with a legal visa, but find out they are not going to live the American dream. Instead, they face threats, violence, and abuse.

And that is why I am here today, because trafficking happened to me.

It started with a dream about coming to America. I was 9. The image I had of the U.S. was based completely what I saw on television — you know, “Cosby

Show” and “Fresh Prince of Belair” and “90210.” When I was told that I was going to come to the U.S. to be adopted and get a better education, I was excited. I thought I could marry Will Smith. No kidding.

What I didn’t know was that my uncle in Cameroon had actually sold me to a woman in Maryland who had a home business. I became a modern-day slave just a few miles from the U.S. Capitol. I was cooking and cleaning and caring for my trafficker’s children around the clock.

Every time I asked to go to school, my trafficker said I couldn’t go because I was too stupid. I would go days at a time without eating. Sometimes I would have to stand throughout the whole night. My trafficker would beat me until she was too tired to continue. She whipped me, leaving scars on my back. She would call me “fat” and “ugly” and “dirty.” She said I was so dirty that I wasn’t allowed to sleep on a bed. I had to sleep on the floor. I was never paid.

I ran away when I was 17, and a priest helped me contact the police. They arrested my trafficker, and I was placed in foster care. I was able to earn a degree in Homeland Security from the University of Maryland University College and I now work at the law firm of Baker McKenzie here in Washington, D.C.

Unfortunately, my story is not unique. Millions of people around the world are tricked by traffickers who promise immigrants a good job, only to trap them in forced labor. We need to stop this. We need to eliminate the root causes that make people vulnerable to trafficking: lack of access to education, lack of housing, lack of a living wage, lack of access to healthcare.

Tackling the Root Causes of Trafficking: A Focus on Prevention

Trafficking begins with vulnerability. For twenty years, we have poured money into law enforcement and a criminal justice approach. But what if we allotted more funding to oversight by the Department of Labor to enforce labor standards? What if we supported children in foster care? What if we made sure that vulnerable people had access to health care, to education, and to the basic necessities of life? What if we took workers’ rights seriously? All of those investments would prevent trafficking.

If twenty years of enforcement of the Trafficking Victims Protection Act teaches us anything, it is that we will not prosecute our way out of forced labor and

modern-day slavery. While we should not abandon prosecution, we need to rethink this paradigm. We need to listen to survivors. And we need to focus on prevention and eradicate the root causes of human trafficking.

Impunity for Forced Labor

During my seven years in slavery, many people could see that I was trapped. Neighbors saw that I never went to school, even though I took my trafficker's children to the bus stop every day. No one said a word. They did nothing.

I mentioned earlier that my story is not unique. But it is unique in one way: my trafficker was prosecuted. That is rare. Impunity is the norm in forced labor cases. According to the 2021 Department of State Trafficking in Persons Report U.S. Chapter, the Department of Justice – that is all federal prosecutors – brought just 15 forced labor cases in all of 2020. In 2019, federal authorities prosecuted just 12 forced labor cases nationwide. The lack of prosecutions in the United States reflects a similar pattern across the globe. In 2020, there were just 1,115 prosecutions for forced labor in the entire world, according to the State Department.

My trafficker went to prison. She was ordered to pay criminal restitution. She has now been released from prison. But she has not paid the restitution. Traffickers steal so much more than money from us. But they do steal money. I am owed seven years of back wages. And federal authorities have made no effort to collect these funds. Mandatory restitution for trafficking victims is so important. But it is only meaningful if it is collected. Federal authorities should place much more emphasis on collecting restitution for survivors. An order alone is not enough.

For those law enforcement personnel who investigate human trafficking, we need training. Officers, deputies, federal agents and direct service responders need tools to provide trauma-informed support when responding to human trafficking. They need to be aware of cultural differences and language barriers. They must use an interpreter when it's needed. These institutions must prioritize to do no further harm to those who have escaped the most horrible experiences of their lives.

Investing in Survivors after Trafficking

We need to invest in survivors so that they can rebuild their lives. What happens to someone after they escape human trafficking is just as important as

helping them escape in the first place. We must provide opportunities so they can gain sustainable independence and freedom through education and employment.

Sadly, many trafficking survivors don't have the opportunity to continue their education after they escape, like I did. This needs to change, too. We need to invest in scholarships and educational programs for survivors. Education provides access to employment. And employment provides survivors with stability, access to healthcare, the ability to support themselves and loved ones. Employment allows them to take back control of their lives.

Survivors need jobs. But hiring survivors is not an act of charity. Survivors bring unique strengths to the workplace. Not only can they contribute as professionals and colleagues, they can also use their lived experience to strengthen the workplace. At Baker McKenzie, I use my lived experience to support my colleagues taking on pro bono cases every day. I provide guidance so that their pro bono work is trauma-informed and victim-centered. I even consult with my colleagues on trafficking issues to assist their work on supply chains for clients. I am thrilled to see the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2021 includes resources for survivor employment and education. My fight to have survivors in the workforce is never-ending. But this support will be critical to close the gaps.

Trafficking of Domestic Workers by Diplomats

The *Washington Post* Magazine recently published an article by Noy Thupkraew, titled "Sri Yatun's Escape." (<https://www.washingtonpost.com/magazine/2021/10/06/domestic-workers-diplomats/>). I request that this article, along with my testimony today, be placed in the record. The article traces the trafficking, forced labor, and escape of an Indonesian domestic worker after she was trafficked to the United States by an Indonesian diplomat.

The article also references a trafficking case involving a diplomat from Malawi. That diplomat trafficked a domestic worker, also from Malawi, into forced labor for three years. After the allegations of forced labor became public, the diplomat left the United States. Rather than punishing the diplomat for this violation of U.S. law, her government promoted her to serve as Malawi's High Commissioner to Zimbabwe and Botswana. In 2016, a federal court in Maryland issued a civil judgment against the diplomat, Jane Kambalame, for \$1.1 million. That judgment remains unpaid. In 2019, acting on a Congressional mandate, the

State Department suspended Malawi from the visa program that allows diplomats to bring domestic workers into the United States.

But, inexplicably, the State Department has allowed that suspension to lapse. At the moment, the only country that is suspended from the visa program due to allegations of trafficking and forced labor is Cameroon. This is inexcusable. Until the judgment in the civil case, Lipenga v. Kambalame, is satisfied, Malawi should remain on the visa suspension list. Malawi should also be downgraded in the Trafficking in Persons tier rankings. Diplomats posted to the United States who engage in trafficking should not enjoy impunity.

The State Department deserves credit for its efforts to prevent and curb abuse of domestic workers. The Department launched an in-person check-in program to monitor the well-being of domestic workers serving in diplomatic homes. This program put diplomats on notice that the U.S. government is paying attention to the treatment of domestic staff. Reflecting the success of these prevention efforts, reports of human trafficking diplomatic cases have declined. But this program must become a national check-in program; a focus on Washington, D.C. and New York is not enough. And this prevention must be paired with significant efforts to enforce judgments against diplomats such as Jane Kambalame.

COVID-19 and Human Trafficking

The COVID-19 pandemic created new stresses on programs that fight human trafficking and address its root causes. The global pandemic has affected so many people in the world, but the people that have been most impacted are survivors and victims of human trafficking. The world should not overlook the real and concrete risks that this unprecedented situation presents for vulnerable individuals and groups, who are not always very visible in our societies. A much-needed focus on alleviating the economic impact of the COVID-19 pandemic should not and must not exclude the disadvantaged and underprivileged. Recovering from the pandemic offers a unique opportunity to look at deeply entrenched inequalities in our economic development model that feed marginalization, gender-based violence, exploitation and trafficking in persons.

COVID-19 revealed and exacerbated the underlying corruption in our global systems: widespread wage theft, systemic racism, rampant discrimination, vast inequality. If anything, COVID-19 created the groundwork for more forced labor,

more human trafficking. Desperate families around the world took out loans to survive during the pandemic. Repayment is coming due. Those debts, I fear, will be repaid with human bondage.

The Trafficking Victims Protection Act (TVPA) Reauthorization

I would like to thank you, Chairwoman Bass and Ranking Member Smith, for your leadership on the Trafficking Victims Protection Act (TVPA) and its many reauthorizations. Congressman Smith, you have been a leader on the TVPA for more than two decades. Since the law's passage in 2000, the United States has taken significant steps to support survivors and deter traffickers. But there is more to be done. I make the following recommendations:

- The current TVPA reauthorization contains a provision to increase support for the survivor-led U.S. Advisory Council on Human Trafficking. This is so important. Survivor voices should be at the center of any anti-trafficking work. Survivors' lived experiences must inform the solutions we implement. Survivors are essential if we are to achieve our goal of ending human trafficking. Survivors must be compensated for their time. We must continue to provide leadership positions and space for survivor leaders to be included, meaningfully, in this work.
- The 2003 reauthorization created a private right of action, allowing trafficking survivors to sue their traffickers in U.S. federal courts. For some trafficking survivors, particularly those who suffered forced labor, this is their only chance to have a day in court. Since 2003, trafficking survivors have brought more than 470 cases against their traffickers and those who financially benefit from their exploitation. The proposed Fredrick Douglass TVPRA would make civil awards and criminal restitution tax free. This is an important step to allow trafficking survivors to recover the wages stolen from them. It is also important to make these civil judgments non-dischargeable in bankruptcy.
- Mandatory restitution is essential to trafficking survivors. According to a report by the Human Trafficking Legal Center, an organization on whose Board I serve, only 27% of criminal cases that end in conviction or a plea agreement include restitution orders. But worse than the failure to obtain orders, is the failure to collect funds that are

ordered. The Department of Justice must make significant efforts to recover restitution that has been ordered. And in cases where the U.S. government has forfeited the defendants' assets, the forfeited funds must be used immediately to pay the restitution order.

- Law enforcement officers should not be permitted, under any circumstances, to engage in sexual activity with individuals whom they are investigating or who might be witnesses in a criminal case. Sexual misconduct with trafficking victims by federal officers has derailed prosecutions and harmed victims. This must stop.
- Finally, the Department of State should implement the in-person domestic worker check-in program for workers with A-3/G-5 visas across the entire United States.

Thank you for this opportunity to address the Subcommittee. It is an honor. To everyone here today who works on ending human trafficking and reauthorizing the Trafficking Victims Protection Act, I hope you will keep these recommendations in mind. Prevention and protection are just as important as prosecution. Forced labor must be on the agenda, alongside sex trafficking. And survivors' voices are essential in these policy discussions. As my colleague, survivor-leader Fainess Lipenga, has said, "Nothing about us, without us."

I look forward to your questions.