Stop Trafficking!

Anti-Human Trafficking Newsletter

August 2009 Vol. 7 No. 8

This issue highlights the plight of women domestic workers and features reports that could alter their fate.

Domestic Worker Coercion

“She beat me until my whole body burned. She beat me almost every day.... She would beat my head against the stove until it was swollen. She threw a knife at me but I dodged it. I had a big black bruise on my arm where she had beaten my arm with a cooking spoon. She beat me until the spoon broke into two pieces.

This behavior began from the first week I arrived. It was the lady employer; the man was good.... She would scream, ‘I hope you die! I hope your family dies! I hope you become deformed!’ She never paid me for 10 months. I thought if I don’t escape, I will die.” (Wati S., Indonesian domestic worker in Jeddah, Saudi Arabia (pg. 61, ‘As If I Am Not Human’)

Enslaved in Georgia

A female Indian national entered the U.S. under a tourist visa arranged by a couple living in Georgia. They had her work as a nanny for their children, at first for low pay and eventually without pay during a two-year period. They allowed her visa to expire and then

Georgia cont. pg. 2

Enslaved in Maryland

A Nigerian couple, living in Maryland, brought a 14-year old girl to the U.S. on a false passport, promising her family that they would pay her and send her to school. Instead, she cared for their six children and managed all the household duties. She was also

Maryland cont. pg. 2

Reports that Aid in Anti-Human Trafficking Efforts

These reports impact awareness about the plight of domestic workers, advocacy for those exploited, and legislative action aimed at curtailing or preventing the trafficking of persons. More details about the reports are covered in the following pages of Stop Trafficking.
Forced Labor Report


Using the definition of human trafficking in the UN Protocol, experts from 23 European countries were asked to provide a list of typical elements of deception, exploitation and vulnerability, which they considered to be relevant to cases of human trafficking in Europe. The experts were then asked to rank all the proposed indicators in order of relevance, ranging from the highly significant to the insignificant. They agreed on a list of 67 indicators, each of them falling within six major elements observed in cases of human trafficking. The elements (with the number of indicators in parentheses) were: a) Deceptive recruitment (10); b) Coercive recruitment (10); c) Recruitment by abuse of vulnerability (16); d) Exploitative conditions of work (9); e) Forms of coercion at destination (15); and f) Abuse of vulnerability at destination (7)

While the indicators cover all the severe forms of abuse commonly associated with human trafficking (e.g. abduction, violence and physical confinement), they also go further. The combination of these indicators can provide useful guidance on ways to understand the variety and complexity of forms of modern trafficking. For example, the full list of indicators suggests that trafficked persons, rather than experiencing severe physical forms of abuse, may be: deceived during the recruitment stage about the wages they will be paid (a above); deceived about their legal status in the country of destination (b); or even deceived about the type of work or service they are expected to provide (c). Once at the place of destination, they may have their passport confiscated (d); their employers may withhold their wages (e); or they may be threatened with denunciation to the authorities (f). (Cost of Coercion, pg. 13)

Georgia cont. from pg. 1

told the victim that, if she left her home, she would be deported and jailed for an extended period of time – a condition that the perpetrators understood would cause great shame to the victim, a Muslim woman. She was made to sleep in the basement and work up to 16 hours per day. She eventually escaped with help from a neighbor.

The accused wife, an Indian born artist, admitted that she then maligned the victim to her family in India and gave false allegations to the U.S. Dept. of Homeland Security. She further lied to the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs Enforcement (ICE). She faces a maximum penalty of 15 years in federal prison on charges of alien harboring and making false statements. The husband, a deputy sheriff, faces a maximum penalty of 10 years in federal prison on the alien harboring charge.

To Protect Domestic Workers

Human Rights Watch recommends that, in order to curtail all forms of violence against migrant domestic workers, governments should:

- Abolish or reform immigration-sponsorship policies so that domestic workers' visas are no longer tied to their employers;
- Develop protocols and train law enforcement officials on how to appropriately respond to domestic workers' complaints and how to investigate and collect evidence in such cases;
- Prosecute perpetrators of psychological, physical, and sexual violence;
- Expedite criminal cases involving migrant domestic workers, who must often wait for a resolution for several months or years while confined in a shelter, and ensure they have legal permission to work during the interim period;
- Create and widely disseminate contacts for confidential, fully staffed and toll-free hotlines to receive reports of abuses against domestic workers;
- Create comprehensive referral and support services, including health care, counseling, shelter, consular services, and legal aid.

Maryland cont. from pg. 1

physically and sexually abused and not paid during her five-year ordeal. The husband threatened that if she told anyone, he would tell her parents that she had become a prostitute.

The ex-wife was found guilty and sentenced to more than seven years in prison and ordered to pay $110,250 in restitution to the girl. The man was extradited from Nigeria, where he hid for seven years. He was charged with involuntary servitude, conspiracy and harboring an alien for financial gain. The charges come with maximum penalties of 20 years imprisonment, a three-year term of unsupervised release and a $250,000 fine.
Walnut Creek

The promise of a good job and a nice place to live turned into a nightmare for a Peruvian woman, who was lured to California by a Walnut Creek real estate agent. The perpetrator brought the woman in and harbored her illegally, exploiting her as a free domestic servant, in what U.S. Immigration and Customs Enforcement (ICE) investigators say is an increasingly common type of human trafficking. This shocking case of trafficking and indentured servitude took place for 19 months in plain sight of neighbors, who had no idea what was going on.

The perpetrator promised the woman would live in a big house with a private bathroom and would be paid up to $600 a month to care for the three young boys. Instead, she became a virtual prisoner for almost two years. The maid was forced to sleep on the living room floor while working from dawn to dusk every day, cooking, cleaning and caring for the children. She did not receive a salary and was actually charged $15,000 for clothing and other expenses. The owner took her passport and visa and physically and verbally abused her, threatening her with deportation if she talked to outsiders. She smashed the woman’s radio and a television set so the maid could not listen to Spanish language programs and get “ideas in her head.”

The perpetrator told the maid, “When you come to the United States, you must suffer.” Investigators say the woman even rationed the maid’s food, weighing the meat she purchased and hiding fruit from her. Neighbors say the maid often appeared daily in the same clothes.

Despite her apparent circumstances and the language barrier, a teacher at the children’s school said the nanny was an excellent caretaker.

In April 2008, the maid confided in a teacher. It was the teacher who called in the immigrant aid organization, La Raza, which took the maid in and contacted ICE.

A 10-year old Egyptian child’s father was ill, so the mother signed a ten-year contract to have her daughter leave their poor village and work as a maid for a wealthy couple living in Cairo. The mother later took loans from the couple to pay for her husband’s treatment, so she agreed to allow her daughter to go with the couple to the U.S.

The girl earned $45 a month working up to 20 hours a day with no days off. She awoke before dawn and often worked past midnight. Neighbors watched through their window as the child did dishes "at 10, 11 — even 12 — at night," said a neighbor. “We didn’t put two and two together.” The child slept in the garage without heat, air-conditioning or light, despite the home having five bedrooms.

The girl prepared the children for school while the parents slept. Later they ate breakfast while watching TV, ordering her to clean the palatial house. She vacuumed each bedroom, made the beds, dusted the shelves, wiped the windows, washed the dishes and did the laundry.

She never ran away because she thought her situation was normal. Her garage was better than the two-room home where her parents and 10 brothers and sisters live in Egypt. The child’s treatment by the Egyptian couple would be considered good by Egyptian standards. There, employers see themselves as benefactors.

An anonymous caller reported that a young girl seemed to be living in a garage. Police investigated. They found video showing her working in the house, as well as the signed contract of her parents. The police took the girl away, but she lied to police, since the couple had threatened her. Eventually the couple pled guilty to all charges, including forced labor and slavery. They were ordered to pay $76,000, the amount the child would have earned at the minimum wage.

The husband received a three-year federal prison term; his wife served 22 months. Then they were deported.

The girl, now 19, was adopted by a California couple and has graduated from high school. She hopes to become a police officer. Meanwhile the couple lives in Cairo and has another nine-year old maid.

Thirty-three African countries use child domestics. A 2001 survey by the Moroccan government found more than 15,000 girls under age 15 working as maids.

(http://www.msnbc.msn.com/id/28415693/from/ET/)
‘As If I Am Not Human’

The 2008 133-page Human Rights Watch (HRW) Report, “As If I Am Not Human” - Abuses against Asian Domestic Workers in Saudi Arabia, concludes two years of research and is based on 142 interviews with domestic workers, senior government officials, and labor recruiters in Saudi Arabia (SA) and labor-sending countries.

"In the best cases, migrant women in Saudi Arabia enjoy good working conditions and kind employers, and in the worst they're treated like virtual slaves. Most fall somewhere in between," said a senior researcher in the Women’s Rights Division of HRW.

Saudi households employ an estimated 1.5 million domestic workers, primarily from Indonesia, Sri Lanka, the Philippines, and Nepal, as well as from other countries in Africa and Asia. The SA Ministry of Social Affairs and the embassies of labor-sending countries annually shelter thousands of domestic workers with complaints against employers or recruiters. Excessive workloads and unpaid wages, for periods ranging from a few months to 10 years, are among the most common complaints. The SA’s Labor Law excludes domestic workers, denying them rights guaranteed to other workers, such as a weekly rest day and overtime pay. Many domestic workers must work 18 hours a day, seven days a week.

The restrictive kafala (sponsorship) system ties migrant workers’ visas to their employers, which means employers can deny workers the ability to change jobs or leave the country. HRW interviewed dozens of women who said their employers forced them to work against their will for months or years. Employers often take away passports, and lock workers in the home, increasing their isolation and risk of psychological, physical, and sexual abuse. After interviews with 86 domestic workers, HRW concluded that 36 faced abuses that amounted to forced labor, trafficking, or slavery-like conditions. (http://www.avid.org/eng/Issues-and-Analysis/Library/HRW-As-If-I-Am-Not-Human-Abuses-against-Asian-Domestic-Workers-in-Saudi-Arabia)

Domestics in Europe

The Mediterranean Institute of Gender Studies (MIGS) lobbies around issues affecting the Mediterranean region. The MIGS 2008 Annual Report (http://www.medinstgenderstudies.org/) contains information on MIGS projects and activities in the areas of ‘Violence against Women’ including trafficking in women for sexual exploitation and ‘Women and Migration’.

One MIGS project is a transnational effort entitled, ‘Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation’. The 232-page study contains results of a mapping survey conducted in the partner countries (Cyprus, Germany, Italy, Greece and Spain), best practice examples, and policy recommendations.

“The demand for female migrant domestic [FMD] workers is changing not only quantitatively but qualitatively. ...These [domestic workers] are more likely to live with their employers, to work extended hours without pay, to be available any time throughout the day or night, and provide cleaning as well as caring services. The feminization of domestic and care labor has rendered it ‘cheap’ labor. FMD workers have become the ‘reconciliators’ of work and family life for millions of people in Europe. Millions of [FMD] workers provide care services to EU citizens who need support given the decline of the welfare state. For example, [these] workers offer support to families with children, people with disabilities, the elderly, and others. However, [FMD] workers are all but invisible in national and EU employment strategies and policies, in political and social discussions, as well as in our societies. They are also barred from entering other employment sectors open to skilled migrant workers.” (Report, pg. 9) The Report may be downloaded from: http://www.medinstgenderstudies.org/?p=433

Modern-Day Slavery

The United Nations Working Group on Contemporary Forms of Slavery has compiled a list of human rights violations that it considers forms of modern-day slavery. The list includes:

- Sale of children
- Child prostitution
- Child pornography
- Child labor
- Sex tourism
- Use of children in armed forces
- Exploitation of migrant workers
- Illegal adoption
- Trafficking in persons
- Trafficking in human organs
- Exploitation of prostitution of others
- Violence against women
- Forced marriage
- Debt bondage
- Forced labor (UN Handbook, pg 18)
Asylum for Victims of Sexual Abuse

The Obama administration opened the way for foreign women, who are victims of severe domestic beatings and sexual abuse, to receive asylum in the U.S. In addition to meeting the current strict conditions for being granted asylum, abused women must show a judge that in their country women are viewed as subordinates by their abusers and that domestic abuse is widely tolerated.

The ruling came in an immigration appeals court filing for a Mexican woman who requested asylum, saying she feared her common law husband would murder her. The man repeatedly raped her at gunpoint, held her captive, stole from her and attempted to burn her alive when he learned she was pregnant.

The Department of Homeland Security, in the unusual submission written by senior government lawyers, concluded that, “it is possible” that the Mexican woman “and other applicants who have experienced domestic violence could qualify for asylum.” Such cases were not resolved during the Bush administration, although another such case was introduced in 1996 on behalf of a Guatemalan woman, repeatedly beaten by her husband, a Guatemalan soldier.

Caring for Trafficked Persons: Guidance for Health Providers

For many trafficked persons, the physical and psychological aftermath of a trafficking experience can be severe and enduring. Health providers may come into contact with victims of trafficking at different stages of the trafficking process and at different stages of their recovery. For health practitioners, diagnosing and treating trafficked persons can be exceptionally challenging. The informed and attentive health care provider can play an important role in assisting and treating individuals who may have suffered unspeakable and repeated abuse.

*Caring for Trafficked Persons*, a 232-page guide, brings together the collective experience of a broad range of experts from international organizations, universities and civil society in addressing the consequences of human trafficking. Developed with the support of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), and led by the International Office on Migration (IOM) and the London School of Hygiene & Tropical Medicine, the handbook provides practical, non-clinical advice to help a concerned health provider understand the phenomenon of human trafficking, recognize some of the associated health problems and consider safe and appropriate approaches to providing healthcare for trafficked persons. The Handbook will be available in additional languages in late 2009.

“These recommendations are written for health providers who may now or in the future provide direct health care services for individuals who have been trafficked. They are designed to accommodate varying degrees of contact with and involvement in the care and referral of people who have been trafficked. The intended audience includes the following: • general practitioners and primary care providers; • private and public health providers; • emergency room staff; • health center staff, such as receptionists or technical staff; • clinicians, e.g., gynecologists, neurologists, infectious disease specialists; • outreach care providers in fields such as sexual health or refugee/migrant health; and • mental health care professionals, e.g., psychologists or psychiatrists.”

“The guidelines begin with three chapters that provide: 1). background information on human trafficking; 2). current knowledge on the health risks and consequences of trafficking; and 3). guiding principles in the care of trafficked persons. Seventeen action sheets follow, covering the following general areas: 1). tools for the patient encounter, such as trauma-informed care and culturally and linguistically responsive care; 2). approaches to various aspects of medical care, such as comprehensive health assessment, acute care, communicable diseases, and sexual and reproductive health; and 3). strategies for referral, security and case file management, and coordination with law enforcement. Each action sheet begins with a rationale offering a basic description of the subject and its significance. This is followed by an outline of required actions providing guidance on the particular area of care or strategy.”

Dominican Corporate Stance

“The Racine Dominican Sisters and Associates stand in support of human rights by opposing the trafficking of women, children and men for sexual exploitation and international works of enslavement. We commit our prayer study, resources and action to end this criminal activity against our sisters and brothers.” (June 10, 2009)

Ruth Schaaf, OP - Racine, WI
Legislators and legislative bodies “have the power to prevent human trafficking by raising awareness and curbing exploitative practices. They can adopt the laws needed to prosecute traffickers and protect the rights of victims; they can also take steps to combat the crime of human trafficking at international level.” The 140-page Report, *Combating Trafficking in Persons: A Handbook for Parliamentarians No. 16 - 2009* published in March 2009, is intended to help them do this.

“As public awareness of human trafficking grows, people are demanding that action be taken to end it. As their elected representatives, parliamentarians have a responsibility and the power to ensure that laws and other measures are put in place and implemented to that end. The *Handbook* is intended to inspire them to enact sound laws and adopt good practices that will strengthen national responses to human trafficking.” (Handbook, pg. ix)

**Handbook Contents:**

(Ed.s Note: Each chapter includes a segment on the role of legislators in advancing the particular issue. There is an extensive bibliography at the end.)
- Chap. 1 The international legal framework to combat trafficking in persons;
- Chap. 2 Defining trafficking in persons in national legislation;
- Chap. 3 Criminalizing and penalizing all forms of trafficking in persons;
- Chap. 4 Recognizing trafficked persons as victims entitled to internationally recognized human rights;
- Chap. 5 Preventing trafficking in persons;
- Chap. 6 Measures to combat the crime of trafficking in persons internationally;
- Chap. 7 Monitoring and reporting on anti-human trafficking activities;
- Chap. 8 Enhancing the role of civil society;

**Annex:**
- A. International legal instruments (listed in chronological order),
- B. National legislation, model laws and bilateral and multilateral agreements; and
- C. National plans of action related to trafficking in persons.

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**‘A Handbook for Parliamentarians’**

**‘Model Law Against Trafficking in Persons’**

The United Nations Office on Drugs and Crime (UNODC), in response to the request of the UN General Assembly, developed the *Model Law against Trafficking in Persons* to assist Member States to implement the provisions contained in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, supplementing the *Convention Against Transnational Organized Crime*.

The *Model Law* will facilitate the review and amendment of existing legislation as well as the adoption of new legislation. It has been designed to be adaptable to the needs of each State, whatever its legal tradition and social, economic, cultural and geographical conditions. The *Model Law* covers not only the criminalization of trafficking in persons and related offenses, but also the different aspects of assistance to victims as well as establishing cooperation between different state authorities and NGOs. Each provision is accompanied by a detailed commentary, providing several options for legislators, with legal sources and examples. (http://www.unodc.org/unodc/en/human-trafficking/news-and-events.html)

Human Trafficking Conferences

The University of Nebraska, Lincoln is hosting an ‘Interdisciplinary Conference on Human Trafficking’ October 29-31, 2009. Dr. Kevin Bales, President of Free the Slaves and author of “Disposable People: New Slavery in the Global Economy,” is the keynote speaker. Topics are organized under three categories:

What We Know: Researchers will present their work in human trafficking, and government and NGO officials will present the facts, stories, and systematic knowledge about human trafficking within their areas of responsibility. (Oct. 30 morning)

What We Need To Know: Government and NGO officials and researchers will describe the gaps in their knowledge of how human trafficking works, its effects, its extent, the value of anti-trafficking efforts, etc., and describe the problems they face in their work. (Oct. 30 afternoon)

Where Do We Go From Here: After breakout sessions to collaboratively define research agendas and discuss funding opportunities in various areas of human trafficking, the conference will convene in a final discussion to suggest fruitful future directions. (Oct. 31 morning) Cost is $295. For more information or to register, go to: http://conferences.unl.edu/trafficking.

The Global Forum on Human Trafficking hosted by the ‘Not For Sale’ Campaign will conduct a conference October 8-9, 2009 in Carlsbad, CA. This unique event will foster collaboration among government leaders, law enforcement, service providers, and nongovernmental organizations while examining topics such as constructing regional task forces, countering corruption, and undermining trafficking rings. Leading experts confronting human trafficking will gather to discuss and strategize innovative techniques.

Speakers include: Bama Athreya, Executive Director, International Labor Rights Forum; Lou de Baca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons; Anuradha Koirala, Founder, Manpower, Inc. and David Arkless, President of Global Corporate & Gov’t Affairs, Manpower, Inc.

Topics include: Innovative Models of Survivor Care; Monitoring Supply Chains; Undermining Trafficking Rings; Transitioning Justice Systems; Enhancing Justice and Refining Prosecution; Philanthropic Engagement in Abolitionist Work. Cost: $149 (Students: $99). For more information or to register, go to: http://www.globalforumonhumantrafficking.org

Lobbying for Victims in Massachusetts

The Boston Unit of the Leadership Conference of Women Religious (LCWR), representing over a thousand members in 16 Boston-area congregations, have been advocating in support of Massachusetts Senate Bill 58.

Bill 58 calls for the establishment of a Victims of Human Trafficking Trust Fund and a Human Trafficking Safe House to provide shelter for victims. It also enhances sentencing guidelines for those found guilty of trafficking and requires the court to provide restitution to victims. The bill would establish a State Anti-Trafficking Task Force.