Stop Trafficking!

Anti-Human Trafficking Newsletter

September 2013 Vol. 11 No. 9

This issue highlights neglected and interwoven aspects of trafficking: international brokers, organ trafficking, and worker bondage.

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Neglected Abuse:
Organ Trafficking

Tricked: Kidney ‘Donation’

M.K. is an illiterate 32 year-old single mother. She is poorly paid and cannot support her child. One day, an acquaintance tells her she could earn good money by selling her kidney and could be back on her feet two days later. She decides to sell her kidney and, thus, she is put in contact with two traffickers. At one point, the woman changes her mind. In response the couple threatens to report her to the police, telling her it is a crime to agree to donate a kidney. She was then given a passport, a visa and is flown to another country where she undergoes the surgery.

Before the operation, she is examined but gets no information on pre- or post-operative care. M.K. hardly understands what is happening because she does not understand the language spoken in the country. Four days later, upon her return home, the traffickers refuse to pay her the promised money. M.K. is now suffering post-operative complications and her chances of finding a job to support her family have dramatically diminished.

Chinese Boy Loses Eyes

A six-year-old boy went missing as he played outside his home in Shanxi province, China. His panicked family eventually found him in a nearby field, covered in blood, with his eyes nearby. The corneas of his eyes were missing, suggesting the attack had been carried out by a professional organ trafficker.

“He had blood all over his face. His eyelids were turned inside out. And inside, his eyeballs were not there,” his stricken father told Shanxi Television. The boy had been drugged during his ordeal. Police have offered a 100,000 yuan (US $16,350) reward for information leading to the arrest of a sole female suspect.

In 2007 the Chinese government banned organ transplants from live donors, except spouses, blood relatives and step or adopted family members and relative and step or adopted family
The study concluded that "transplant tourism" can occur under four different modes. Mode 1 entails a recipient travelling from country B to country A where the donor and transplant center are located. Mode 2 entails a donor from country A travelling to country B where the recipient and transplant center are located. Mode 3 entails a donor from country A and a recipient from country B travelling to country C where the transplant center is located.

In a complex organ trafficking network, the victim/donor is often contacted by a local recruiter/facilitator, while the recipient gets involved through an international coordinator/broker, who links both donor and recipient to a transplant facility. People at that facility, who are involved in the transplant process itself, may include not only the medical professionals (transplant surgeons, anesthesiologists, nurses, medical technicians) but hospital administrators and health officials. To date it has been difficult to accurately link all of these various professionals with proven organ trafficking. Other supporting staff may play a relatively minor but necessary role to a network's operation, including enforcers, minders, drivers, and translators. Minders accompany both the donor and the recipient during their travel to and from the locus of surgeries. Enforcers are minders who employ force, the threat of force or other means of conveying coercive pressure to ensure that the objectives of the organ trafficking network are achieved.

"Persons trafficked for organ removal endure a particularly cruel ordeal both during and after surgery," Giammarinaro said. "Victims are unaware of the lifelong impact of organ removal; in fact they bear long-term and debilitating medical consequences including the inability to work, especially because they completely lack post-operative care or follow-up medical and psychosocial support. In addition, they very often do not receive the payment that was promised to them during their deceptive recruitment."

The Report called attention to the link between trafficking for organ removal and organized crime, as well as the role that corruption plays in facilitating organ removal. It also suggested a series of steps to prevent this transnational crime. Among others, the paper recommended: reviewing national legislative frameworks to ensure they are adequate to punish all those who are part of the criminal networks; expanding international cooperation to pursue criminals across borders; working with the medical community to prevent unethical behavior; and co-operating with civil society to better address the physical, psychological and legal needs of victims.

"It is my hope that this research paper will concretely assist us in developing targeted and evidence-based prevention strategies as well as strengthening the criminal justice response and enhancing our ability to protect victims," Giammarinaro said.

The size of the global organ trafficking industry, which primarily engages in kidney transplants, remains unknown due to its black market nature. However, anecdotal evidence shows that it is clearly a multi-million dollar industry. (http://www.huffingtonpost.co.uk/2013/08/27/chinese-boy-6-eyes-gouged-out-suspected-organ-trafficking-attack-pictures_n_3823302.html)
Neglected Abuse: Labor Brokers = Worker Bondage

According to the International Organization for Migration, more than 214 million people across the globe live outside their countries of origin. Migrant workers and their families account for 90% of all international migration. Such movement of workers has become increasingly important to the prosperity of the global economy, and to the livelihood of individual workers seeking opportunity. Unfortunately, as more individuals move for work, and more employers seek global talent, many migrants find themselves entangled in a “grey” market run by unscrupulous brokers and employers. As a result, they can face abusive conditions akin to modern-day slavery.

ManpowerGroup is a world leader in innovative workforce solutions and Verite is an award-winning human rights and labor rights non-governmental organization. David Arkless, Pres. of Global Corporate and Government Affairs for ManpowerGroup said, “Today’s environment requires businesses to be global and talent to be mobile. We have made it a priority to ensure that global recruitment markets operate transparently and ethically. Leading firms are committed to high ethical standards, but too many other operators exploit workers through recruitment debt, fraudulent contract substitution, and other forms of abuse. Even well-intentioned businesses face reputational risk from unwittingly becoming entangled with unethical partners.”

In 2012 ManpowerGroup and Verite announced an “Ethical Framework for Cross-Border Labor Recruitment”, which offers a checklist of specific “Standards of Ethical Practice” for firms involved in cross-border recruitment of workers. The checklist is designed to protect those workers against specific patterns of vulnerability and abuse. These standards are to be backed up by a verification system that certifies business compliance and provides key information for leveraging the influence of consumer groups, regulators, and other third parties.

“Labor migrants can face horrible conditions, including modern-day slavery. Through the framework that we developed with ManpowerGroup, we are committed to using standards and credentialing systems to provide a market for ethical recruiters – as they should be the ones who supply workers to the factories and farms that supply consumers, rather than the unethical firms that currently play too big a role,” said Dan Viederman, CEO of Verite.

“The current cross-border recruitment marketplace has almost no transparency and limited ability to enforce standards. Our Framework makes it easy for ethical businesses to understand what they need to do, and easy for them to point to like-minded firms with whom they want to work. The ultimate goal is for ethical behavior to be rewarded. Our ultimate goal is a safe, effective, and transparent system for cross-border labor recruitment, where workers have maximum information to help them pursue opportunities, confidence in the enforceability of contracts, and effective protection against labor abuses; and where employers have access, on fair terms, to a global labor supply to sustain economic growth,” said Arkless.

Webcast on Labor Intermediaries

Wherever people move in order to find work, the risk of labor bondage exists. Labor recruiters are often complicit or directly involved in the trafficking of workers, exploiting U.S. nonimmigrant visa programs. These recruiters, who operate in a climate of impunity, lure impoverished and desperate foreign workers to the U.S., promising jobs described as plentiful and lucrative. They rely on coercive tactics, charging guestworkers exorbitant fees that often force the workers to stay in abusive or exploitative working conditions under debt bondage, forced labor, or other forms of slavery.

The Alliance to End Slavery and Trafficking (ATEST) hosted a 30-minute webcast in May 2013 during which panelists discussed the role of labor recruiters in furthering or preventing human trafficking. They featured a short video on the abuse of Burmese workers in the shrimp industry in Thailand, fueled by the demand for cheap prices for shrimp in U.S. stores and restaurants.

Panelists included representatives from the International Justice Mission (IJM), the Coalition Against Slavery and Trafficking (CAST), Verité, and the Solidarity Center. The panel explained how companies utilize labor brokers and either knowingly or unknowingly contribute to labor abuse by brokers. When U.S. companies subcontract abroad they often employ local recruiters to find and hire these workers. Even U.S. government projects in Iraq utilize workers from the Philippines, Nepal, and India, obtained through labor brokers.

One vital link in preventing labor abuse is for consumers to hold companies accountable for how they use labor brokers to recruit workers abroad. Another remedy is to assure that workers know their rights in the new country where they will work before they leave their own country.
Migrant workers all around the world make the products we buy and harvest the food we eat. These migrants leave home for jobs that can help them achieve a better life, or simply allow them to feed their family. Almost all of our products - clothes, shoes, computers, toys, furniture and food - involve a supply chain that employs migrant workers. Migrants provide the flexible workforce that keeps our global economy humming.

Workers will go to great lengths to seek promising jobs, no matter where they are located. Often workers become indebted to middlemen - labor brokers and moneylenders - whose practices can be exploitative and illegal and it becomes difficult or impossible to come out on top.

The 'Help Wanted' Toolkit, created by Verite, provides brands and suppliers with the necessary tools to help fight forced labor in their global supply chains. Verite’s research shows that:
• The job probably won’t pay what the broker promised;
• Workers don’t often know about the compound interest on their debt, which increases every month;
• There are illegal wage deductions and unexpected fees;
• Workers’ passports may be taken away so that they can’t complain or flee;
• Their work visas will tie them to their employer, giving them no other alternative way to get out of debt;
• What they also don’t know is that they may end up for months - even years -- in slave-like conditions or debt bondage.

Verité’s ‘Help Wanted Initiative’ focuses on fair hiring worldwide by addressing the recruitment and hiring practices of workers in all supply chains. There are sections in the Toolkit for the brand, supplier, government, investor, anti-slavery or labor rights organization, social auditor, or certifier to analyze their approach to protecting migrant workers, including the path that workers take to get a job in the global economy. The Toolkit offers tools, guidance, and approaches to support the responsible recruitment and hiring of migrant workers in global supply chains.

Screening and Evaluating Labor Brokers: What are some common risks and red flags?
• The ownership structure circumvents or is not in compliance with law (e.g., the presence of foreign owners in countries where foreign ownership is not allowed by law).
• The labor brokerage is not legally registered in all countries of operation.
• The labor brokerage or its owners have been subject to existing or past regulatory actions or civil and/or criminal legal cases.
• The ownership of other businesses (e.g., a money-lending agency or a medical clinic) that jobseekers are required to use in order to get the job. This is an issue especially if the cost of these services is excessive when compared to prevailing market rates.
• The marketing of free services to employers, or the charging of unusually low fees. This could be a red flag that the labor broker is earning the bulk of its revenue through charges to job-seekers.

• Companies listed as clients cannot be contacted, and/or other vague or conflicting information. This is a red flag for transparency issues in terms of engagement. (http://www.verite.org/helpwanted/toolkit/suppliers/screening-evaluating-labor-brokers)

Explore the ‘Fair Hiring Toolkit’ to learn more: http://www.verite.org/helpwanted/toolkit

Federal Legislation Stalled

Legislation to strengthen regulation of foreign labor recruiters/contractors is an essential element in the prevention of human trafficking.

In June 2013 the Senate passed its immigration reform bill, ‘Border Security, Economic Opportunity, and Immigration Modernization Act’ (S. 744). This bill included Subtitle F- Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad, and Subtitle I- Providing Tools To Exchange Visitors and Exchange Visitor Sponsors To Protect Exchange Visitor Program Participants and Prevent Trafficking, which provided for greater regulation of foreign labor recruiters.

Members of the House need to know that citizens want to strengthen the regulation of foreign labor recruiters and provide full protection for vulnerable workers, as was stated in Subtitles F and I of Senate Bill 744 (See pg. 5.)

For full information, go to: http://www.endslaveryandtrafficking.org/action/call-now-help-strengthen-regulation-foreign-labor-recruiters-prevent-human-trafficking-forced
Immigration Reform Legislation Affecting Immigrant Laborers

The subsection below is part of the Senate version of the immigration reform bill (S744), which passed the Senate in June 2013. It is now stalled in the House.

Subtitle F: Prevention of Trafficking in Persons and Abuses Involving Workers Recruited Abroad

(Sec. 3602) Requires any person who engages in foreign labor contracting to disclose in writing in English and in the primary language of the worker being recruited specified information, including the identity of the employer and the recruiter, worker protections, and a signed copy of the work contract.

(Sec. 3605) Prohibits any person who engages in foreign labor contracting from discriminating in hiring based upon race, color, creed, sex, national origin, religion, age, or disability.

(Sec. 3606) Requires certain recruitment fees.

(Sec. 3607) Requires a foreign labor contractor to register with the Secretary of Labor. Imposes a registration fee. Sets forth registration requirements.

(Sec. 3608) Directs the Secretary of Labor to: (1) maintain a list of all foreign labor contractors registered and a list of all foreign labor contractors whose registration has been revoked; and (2) establish a process for receipt, investigation, and disposition of complaints.

(Sec. 3609) Directs the Secretary of State to ensure that: (1) each U.S. diplomatic mission has a person responsible for receiving information from any worker who has been subject to violations of this subtitle, and (2) consulates maintain and make public information regarding the identities of foreign labor contractors and the employers to whom the foreign labor contractors supply workers.

(Sec. 3610) Sets forth administrative and civil action enforcement provisions.

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Polaris Project Ranks U.S. States on Legislation

The Polaris Project published a new ranking of legislation that has taken place throughout the U.S. and compared it to past years. It is clear that progress is being made. New Jersey and Washington State scored 10, having laws covering all 10 Categories below, considered to be the ideal set of prescriptions to cover human trafficking. South Dakota ranks the lowest with laws covering only Categories 1 and 2. (See comparisons on pg. 6)

**Category Descriptions for State Law Rankings:**

1. **Sex Trafficking:** (48 states and D.C.) A statute that criminalizes sex trafficking and includes elements of inducing another through force, fraud, or coercion to engage in a commercial sex act. Some states have related laws in the prostitution code and were given credit if they had the same criminal elements.

2. **Labor Trafficking:** (50 states and D.C.) A statute that creates the crime of labor trafficking or trafficking in persons, in which a person is compelled through force, fraud, or coercion into providing labor or services.

3. (a) **Asset Forfeiture for Human Trafficking:** (36 states and D.C.) A statute that provides for the forfeiture of assets used in the course of the crime or acquired with proceeds from the crime of human trafficking.

   (b) **Investigative Tools for Law Enforcement:** (38 states) A statute that amends existing Racketeering (RICO) statutes to include the crime of human trafficking or authorizes the use of wiretapping by law enforcement in human trafficking investigations.

4. (a) **Training on Human Trafficking for Law Enforcement:** (29 states) A statute that mandates or encourages law enforcement to be trained in human trafficking issues and the law.

   (b) **Human Trafficking Commission or Task Force:** (20 states) A statute that creates, establishes, or encourages a task force, commission or advisory committee dedicated to addressing human trafficking.

5. **Posting a Human Trafficking Hotline:** (22 states) A statute that mandates or encourages the public posting of a human trafficking hotline, such as the National Human Trafficking Resource Center hotline or a state human trafficking hotline.

6. **Safe Harbor - Protecting Sexually Exploited Minors:** (18 states) A statute that recognizes sexually exploited individuals under 18 as victims of a crime in need of protection and services by granting immunity from prosecution or diverting minors from juvenile delinquency proceedings, and instead directing them to child welfare services. In order to receive full credit, the state must have provisions that relate to both immunity or diversion and services for the child.

7. **Lower Burden of Proof for Sex Trafficking of Minors:** (42 states and D.C.) A statute that ensures that the elements of force, fraud, or coercion are not required for a trafficking to be prosecuted for the sex trafficking of a minor. This statute must be under the sex trafficking section in order for the state to receive credit.

8. **Victim Assistance:** (32 state and D.C.) A statute that provides assistance, mandates the creation of a victim services plan, or funds programs to help victims of human trafficking. Victim services and protection may include counseling, job assistance, housing, continuing education, legal services, and/or a human trafficking caseworker privilege.

9. **Access to Civil Damages:** (29 states and D.C.) A statute that provides victims of human trafficking with the ability to seek civil damages from their traffickers.

10. **Vacating Convictions for Sex Trafficking Victims:** (14 states) A statute that permits victims to have convictions for prostitution that were committed as a result of being trafficked vacated from their criminal records.
States Ranked by Quality of Laws Enacted
(Tier 1: 7+ Categories; Tier 2: 5-6 Categories;
Tier 3: 3-4 Categories; Tier 4: 0-2 Categories)

To view an individual state, go to:
http://www.polarisproject.org/what-we-do/policy-advocacy/
national-policy/state-ratings-on-human-trafficking-laws
Hotel Vigilance: 2013 America’s Cup Race

Because of a rise in incidents of human trafficking around large sporting events, a coalition of Catholic nuns decided to take action a year in advance of the 2013 America’s Cup Finals yacht races scheduled from Sept. 7-21, 2013 in the San Francisco Bay by contacting the hospitality industry.

Stop Slavery: Northern California Coalition of Catholic Sisters Against Human Trafficking is a partnership of nine San Francisco Bay Area congregations. They contacted Starwood Hotels & Resorts Worldwide, Inc., a prominent global hotel company and the owner and operator of St. Regis Hotels & Resorts, the official hotel & resort sponsor for the America’s Cup.

The Coalition’s aim was to encourage local managers to have their personnel trained to recognize the potential signs of human trafficking and to report suspicious activity to authorities. The sisters e-mailed managers, sent letters and information about human trafficking to the managers, and made personal visits to 16 hotels.

The Coalition coupled its local actions with the activities of sisters attending an Interfaith Center for Corporate Responsibility (ICCR) shareholder conference in New York. ICCR advocates have been involved in conversations with executives of Starwood since 2008, and that collaborative effort made a difference.

Starwood, which had already been in the process of developing a web-based training for their hotels and resorts worldwide, was receptive to the sisters’ request. Starwood agreed to instructor-led trainings in all of their hotels in the Bay Area in advance of the finals of the 2013 yacht races. The hotels are also in contact with local SF police for guidance and training support.

(Lyn Kirkconnell, OP San Rafael Dominican Sisters’ Justice Co-coordinator; Coordinator of the STOP SLAVERY Coalition)

Consumer Tools to Help Evaluate Supply Chains

Various governments and nonprofits provide resources to evaluate products and businesses based on a variety of factors, including the treatment of workers along the companies’ supply chains. These resources (see next column) inform consumers of practices by a company or industry to help consumers decide which brands or businesses are worth supporting.
Because we know that:

• Human trafficking is global in scope; as many as 27 million people are trapped in slavery.
• Nearly 21 million people are victims of forced labor; several million more are sex slaves.
• “The convergence of widespread poverty, demand for cheap labor, gender discrimination, economic and social underdevelopment, conflicts, and corruption in the exercise of power and control by groups or by governments provide fertile grounds for human trafficking.” (Human Trafficking: Freeing Women, Children and Men, Anglican Women’s Empowerment, 2011.)
• “Human trafficking will never be truly defeated without eliminating the consumerism that feeds it and prosecuting those in receiving countries ... that benefit because of the exploitation of vulnerable human beings. (United States Conference of Catholic Bishops, “On Human Trafficking,” 2007)
• The Universal Declaration on Human Rights prohibits slavery and involuntary servitude. (Article 4, 1948) [Although not quoted here, there are several other United Nations Conventions, legally binding international agreements that support an anti-trafficking stance. These include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW-1981), the Convention on the Rights of the Child (CRC-1990), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW-2003).]

Because we believe that:

“Whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere tools for profit rather than as free and responsible persons; all these things and others of their like are infamies indeed. They poison human society ... they are supreme dishonor to the Creator.” (Guadium et Spes, Vatican Council II, 1965.)

We endorse the following Corporate Stand.

We, the Sisters of the Holy Cross,
• affirm the dignity and human rights of all persons, and
• denounce the sin of human trafficking and the economic and social systems and conditions that breed it.

We support policies, initiatives and programs that:
• detect and severely penalize those guilty of human trafficking;
• eliminate the economic incentives for trafficking;
• promote sustainable, equitable development and eliminate extreme poverty;
• rescue, rehabilitate and reintegrate trafficking victims; and
• educate and mobilize groups to take effective action to end human trafficking.

We oppose economic practices that create conditions that increase human vulnerability and enable human trafficking to flourish:
• poverty and underdevelopment which result in limited employment opportunities;
• destruction of the environment which destroys sources of income and contributes to forced migration; and
• a culture of greed that permits the abuse of persons for profit and pleasure.

We acknowledge that to end the horrific crime of human trafficking, we must all work together — governments, international and national non-governmental organizations, communities and individuals. As Sisters of the Holy Cross, we must join with others to:
• eliminate the root causes and markets that make trafficking profitable,
• ensure that traffickers are pursued and prosecuted, and
• assist survivors to recover and flourish in mind, body and spirit. (http://www.cschsisters.org/aboutus/Pages/stand_trafficking.aspx)