Labor Abuse: Foreign and Domestic

Comic Book Tells the Story

The story of Almaz is based on a testimony received in April 2014 in a women’s refuge in Addis Ababa, Ethiopia. All names and identifying details have been changed.

Almaz’ story represents that of thousands of African and Asian migrant workers trapped in abusive and exploitative situations across the Gulf. The comic reveals, through the true story of one woman, the experience that far too many domestic workers endure, depicting the systematic lack of protection for workers throughout the recruitment and migration cycle. Almaz amplifies the hundreds of stories silenced and the experiences of countless workers made invisible. To access the story, visit: http://www.bbc.com/news/magazine-29415876

Read about ‘PositivesNegatives’, the producers of Almaz, on pg. 8.

Saudi Arabia’s Domestic Workers

In February 2014 Indonesia and Saudi Arabia signed an agreement so Indonesian women working in Saudi homes would be able to keep their passports, communicate with their families, get paid monthly, and have time off. The new pact came in the wake of years of numerous horrific cases of abuse against the hundreds of thousands of Indonesian women who migrate to Saudi Arabia in the hopes of financing a better life for their families at home.

As past Human Rights Watch (HRW) research has shown, domestic workers from Indonesia, the Philippines, Sri Lanka, and Ethiopia must often work from dawn until late in the night, with no days off and inadequate food. Unpaid wages, being confined to the workplace, and employers withholding passports to prevent them from leaving are among the most common complaints. According to many domestic workers, employers beat them, threaten to kill them and dump them in the trash, compare them to animals, burn them with irons or boiling water, or rape them.

As an incredibly wealthy nation with an exploding economy, Saudi Arabia is an extremely appealing place to work. The expanding economy offers a wide range of positions, and more and more
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wealthy families equates to a growing need for domestic employees. Saudi families and employers preferentially seek migrant workers, knowing that they will accept a lower rate of pay.

In 2013 a horrifying and graphic video of a man beating a migrant worker attracted attention from around the world. (http://www.cnn.com/2013/10/31/world/middleeast/saudi-arabia-beating-video/)

But it was not the only instance of documented brutality against workers. HRW notes that workers have been deprived of routine rights — being allowed to keep their passports, being able to call home and receiving their wages. Many Saudi employers engage in wage theft, believing their employees cannot and will not report it.

According to 2013 HRW reports, there are “over nine million migrant workers in Saudi Arabia — more than half the workforce.” In July 2014, HRW issued a statement saying, “many suffer multiple abuses and labor exploitation, sometimes amounting to slavery-like conditions. The kafala, or sponsorship, system ties migrant workers’ residency permits to ‘sponsoring’ employers, whose written consent is required for workers to change employers or leave the country. Employers often abuse this power in violation of Saudi law to confiscate passports, withhold wages and force migrants to work against their will or on exploitative terms.”

The sponsorship system isn’t limited to Saudi Arabia — migrant laborers throughout the Middle East face similar problems. “Nobody can come into the Arab states or in the Middle East without a sponsor,” said an International Labor Organization (ILO) representative. According to ILO, many migrant workers are asked to surrender their passports upon entering countries in the Middle East, which can make them vulnerable to abuse. “When the employer has that kind of power, then they can dictate the working conditions,” explained the ILO rep. “Whether it’s a question of the wage rates, whether it’s a question of the work time. What is lacking in the Middle East and many of these countries is that the workers don’t have representation.”

Responding to growing Indonesian outrage, the Indonesian government banned migration to Saudi Arabia for domestic work in August 2011. The Saudi government, introduced reform in 2013, by adopting new labor regulations for domestic workers that guaranteed monthly payment of wages, paid vacation at the end of two years, and an upper limit of 15-hour workdays.

There are no clear enforcement mechanisms, however, for this group of workers typically isolated in private homes, unaware of their rights, and unable to speak Arabic. These reforms do not address the long history of workers coming forward with complaints only to be slammed with counter-allegations of theft, witchcraft, or adultery by their far more influential, well-connected, and often wealthy employers. For domestic workers to work in Saudi Arabia in dignity and safety, a huge push to transform the attitudes of employers and the fairness and effectiveness of the justice system are crucial.

Hell on a Boat

In June 2014 a Myanmar migrant worker said he was lucky to be alive after falling victim to a human trafficking racket. Unlike many of his compatriots who are still ensnared in the clutches of slave labor, Ma Win, 56, returned to shore safely in Samut Sakhon after 23 harrowing months on a fishing trawler.

Ma Win was tricked, sold, exploited, beaten and spent sleepless nights on a fishing boat terrified of a man, who had been ordered to kill him by a ruthless boss. Amazingly, he survived to tell his story.

“I’d never thought of working on a fishing boat,” Ma Win said through a translator. “My days on the ship were not pleasant.”

His journey into the human trafficking chain began two and a half years ago when he left his Myanmar hometown to look for a job tending range cattle. After 10 days of work, he was persuaded by another Myanmar man to cross the Thai-Myanmar border to pay the debt in installments. He was able to pay $275 after four months but the brokers, who appeared to be husband and wife, said his debt payment was slow so he would be sent to work at another site to pay off the remaining debt. Brokers arrived and paid $310 to take him to the destination, where he was locked up for two days. Then he was taken to a fishing boat where he saw the skipper pay $920 to hire him onboard. He was told he would earn $275 per month working on the fishing boat. There were three Cambodian and 35 Myanmar people on the boat.

“I realized at that point that I was sold. But I couldn’t leave as the boat was about to leave the pier,” Ma Win said. The boat set sail for Indonesian waters where he was shifted to another fishing boat that carried five Myanmar workers and two Thais. He was provided with a passport.

On his first day on the fishing boat the Thai skipper beat him after he dropped a fish on the deck. He said a Thai sailor also kicked him on one occasion because he was too sick to get up from bed. There were no rest days on board. “The working conditions were tough,” he said. “But I was on a boat, how could I run away?”

His days of despair continued until the 21st month when he met a Myanmar fisherman at a pier in Indonesia. The man passed him a phone number of a United Nations official. The Myanmar fisherman advised him to turn himself in to the Indonesian police and sent a text message to the UN official to ask police to contact the Myanmar embassy in Jakarta to help him. Ma Win said he followed the advice three times but each time was sent back to the boat by police.

He finally decided to call the UN official, which prompted her [the official] to contact the Myanmar embassy in Indonesia directly. Soon the embassy official came to take him from the boat and sent him to a hospital for a medical checkup. The official also discovered his passport, provided by the ship’s Thai skipper, was a fake. The embassy later issued a new passport to him and ordered the boat skipper to take him back to Mahachai.

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Illegal Fishing and Human Trafficking

Most people think human trafficking is all about sexual exploitation. Yet, an International Labor Organization 2012 study found more than three-quarters of trafficking victims in the global private economy are exploited for labor.

The world is just starting to learn how much of this is tied to the grim world of illegal, unreported and unregulated (IUU) fishing. Vessels engaged in IUU fishing not only steal precious food resources off the coasts of poor countries, engage in drug smuggling and damage marine ecosystems — they also prey on human beings, trapping workers on boats as slaves.

A 2009 peer-reviewed scientific study estimated that the worldwide annual value of losses from IUU fishing could reach $23.5 billion. The National Oceanic and Atmospheric Administration found that by “adversely impacting fisheries, marine ecosystems, food security and coastal communities around the world, IUU fishing undermines domestic and international conservation and management efforts.”

In 2011 the U.N. Office on Drugs and Crime stated, “Perhaps the most disturbing finding was the severity of the abuse of fishers trafficked for the purpose of forced labor on board fishing vessels. These practices can only be described as cruel and inhumane treatment in the extreme. . . . A particularly disturbing facet of this form of exploitation is the frequency of trafficking in children in the fishing industry.”

Fishing boats are much less carefully regulated than other ships. Because fishing vessels are not required to have identification numbers, enormous ships are known to change names and flags of registration to stay a step ahead of authorities. Interpol issued two worldwide alerts in 2013 for vessels that had done just that. Fishing vessels are not required to carry satellite transponders, which makes it easy for them to evade surveillance. Moreover, enforcement actions have traditionally been left to the states where the boats are registered, or “flagged,” rather than the “port” states where they bring their cargo to shore and where they would more likely to be caught doing something illegal.

The combination of lax enforcement and the ability to escape detection has proved irresistible to criminals, who use IUU fishing as cover for other illicit activities. A U.S. State Department report noted that drug smuggling is often aided by fishing boats moving drugs through the Bahamas, Jamaica and Florida. (http://www.washingtonpost.com/opinions/clamp-down-on-illegal-fishing-to-curb-human-trafficking/2014/01/09/527645b2-725b-11e3-8def-a33011492df2_story.html)

But that was not the end of his ordeal. He said he spent nine sleepless nights on board the fishing boat while traveling back to Mahachai after one of the Myanmar fishermen confessed he had been ordered by the skipper to kill him to cover up the fake passport issue. “He told me I was as old as his father and he couldn’t kill me,” Ma Win said. Finally he arrived in port and was picked up at the fishing pier by an official from the Thailand-based Labor Right Promotion Network.

He said he worked on the boat for 23 months without any rest and was paid only 3,000 baht a month (US$920.00). Ma Win said he did not know about the fate of the other Myanmar people he met on the same boat and other fishing boats. (http://www.bangkokpost.com/news/security/418027/how-life-on-a-boat-turned-into-hell)

Thailand Food Industry Exposed

The International Transport Workers’ Federation (ITF) described Thailand as being ‘on trial’ for allowing a company to prosecute UK citizen, Andy Hall -- a human rights defender who exposed modern day slavery in the Thai canned fruit and fishing industry.

Thailand’s Natural Fruit Company (NFC) brought criminal and civil charges following Hall’s research into NFC’s operations for his report, Cheap Has a High Price, published by the Finnwatch NGO (www.finnwatch.org). That report exposed smuggling of migrant workers along with the use of child labor, forced overtime and violence against workers.

ITF acting general secretary Steve Cotton stated: “Andy Hall’s investigations into the fruit and fish industries in Thailand helped expose shocking abuses there to a worldwide audience. He should be praised, not prosecuted. Thailand’s attorney general must act now to disallow this case, which is an example of blatant victimization of someone for no greater crime than telling an unacceptable truth.”

http://www.stuff.co.nz/world/south-pacific/4800317/Nth-Korean-boats-blacklisted-for-illegal-fishing

Advocacy

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He continued, “This legal case attempts to shoot the messenger and leave the true offender untouched. Thailand must address the unforgivable abuses being allowed to take place on its lands and waters, and also ensure the right to freedom of opinion.”

ITF president Paddy Crumlin added: “Thailand itself is on trial. Its failure to act has rightly led to it being downgraded by the US government over human trafficking. If ever a country needed to allow defenders of human rights to identify problems, it’s this one. This trial is a national and international embarrassment and should be called off immediately.”


Study: Labor Trafficking in the U.S.

A study by the Urban Institute and Northeastern University, entitled Understanding the Organization, Operation, and Victimization Process of Labor Trafficking in the United States and published in October 2014, is the first of its kind to examine the organization, operation, and victimization process of labor trafficking in multiple industries in the United States. It is also the first study to measure the use of force, fraud, and coercion throughout the continuum of recruitment, labor trafficking victimization, and victims’ efforts to escape and seek assistance. Through service provider case reviews and interviews with survivors, service providers, and law enforcement, the study uncovered information regarding survivors’ long-term outcomes after their escape and their experiences with the criminal justice system, in addition to the barriers to investigating and prosecuting labor trafficking cases.

The vast majority of the sample (71%) entered the U.S. on temporary visas. The most common were H-2A visas for work in agriculture and H-2B visas for jobs in hospitality, construction, and restaurants. The study also identified female domestic servitude victims who had arrived in the U.S. on diplomatic, business, or tourist visas. Victims were often recruited for work in the U.S. through recruitment agencies abroad. These agencies engaged in high levels of fraud and coercion and charged workers, on average, $6,150 for jobs in the U.S.. Once in the country, traffickers used various tactics to dehumanize victims and force their labor, including restricting their communication; monitoring and surveillance; manipulating debts they owed; physical, psychological, and sexual abuse; controlling victims’ housing and movement to work; keeping victims in substandard living conditions; and denying food and medical care. Victims were forced to work long hours, denied pay, or given less pay than promised. Traffickers also manipulated workers to remain in forced labor by exploiting their immigration status. Victims were often hidden in plain sight, labor trafficked in jobs that involved interaction with the public. Ninety-four percent of the sample realized at some point they were being abused, but none were aware they were being labor trafficked and were afforded rights under law regardless of immigration status. Some victims reached out for help while being trafficked, but individuals failed to identify and help them, resulting in further demoralization.

By and large, labor trafficking investigations were not prioritized by local or federal law enforcement agencies. There was no evidence of arrest for more than half of all suspects identified. The Department of Labor was rarely involved in the proactive identification of trafficking victims. As such, labor trafficking victims mostly escaped on their own and lived for several months or years before being connected to a specialized service provider. Sixty-nine percent of victims were unauthorized when they were connected to specialized service providers. Service providers met resistance from law enforcement in securing immigration relief in the form of continued presence for victims.

Although the majority of victims in the study were willing to cooperate in an investigation or prosecution of their trafficker/s, investigations and prosecutions were rare. Civil actions or back wage claims were also rarely pursued, further compounding victims’ debts and stolen wages.

To comprehensively improve how labor trafficking crimes are identified and responded to, the study recommends four courses of action: close loopholes in labor and immigration laws; implement coordinated efforts between law enforcement agencies and the Department of Labor to identify, investigate, and prosecute cases; increase housing, job training, and other services for victims; and enhance outreach to a public largely unaware that crimes resembling slavery take place in America. (Report pg. xvii-xviii)
The Newly Updated Task Force e-Guide

The Human Trafficking Task Force e-Guide, developed by the Office for Victims of Crime (OVC) and the Bureau of Justice Assistance (BJA), was created for new and existing task forces, victim service providers, law enforcement, government personnel, and other individuals who are looking to enhance their capacity to address human trafficking.

It provides:
1. Guidance on how to form and develop new human trafficking task forces
2. Ideas to strengthen existing human trafficking task forces
3. Creative strategies, examples, and lessons learned from existing task forces
4. Links to tools, trainings, and resources, including case studies

The main sections of the e-Guide include:
1. Understanding Human Trafficking: It provides the legal definitions and all updated refinements of the original Trafficking Victims Protection Act.
2. Forming a Task Force: A successful anti-human trafficking collaborative effort can transform the limitations of a singular agency or organization into a strong, strategic multidisciplinary team with substantially improved capacity to impact the problem. Various task force models are highlighted.
3. Operating a Task Force: This section presents strategies to improve the function of a task force, including membership and management, information sharing, task force activities, and how to address common challenges, including media and public perception.
4. Supporting Victims: Creating conditions of trust and respect help victims reclaim their lives and move toward self-sufficiency and independence. Support to victims is never contingent on cooperation with law enforcement; however, advocating confidence in the work of law enforcement is important while working with the victim. Specific victim populations and their respective service needs are highlighted.
5. Building Strong Cases: Human trafficking cases are time consuming and difficult, and they pose a challenge to prosecutors, investigators, and victim service providers alike. Successful cases involve multidisciplinary cooperation and successful strategies by law enforcement and prosecutors.
6. The final section includes key resources.

The e-Guide was recently redesigned and updated with new sections and strategies, such as guidance on how to work with underrepresented populations; strategies to strengthen multidisciplinary collaboration; examples of various task force models; discussion of investigative and prosecutorial strategies and more. It also has information on the latest federal and state prosecutions and more. It also has information on the latest federal and state cases, as well as the latest training and technical assistance resources and tools for victim service providers, law enforcement, and prosecutors.

The re-designed e-Guide format aids in navigating content more easily and locating information more efficiently.

Go to: https://www.ovcttac.gov/taskforceguide/eguide/

Submitted by John Vanek, who helped update the e-Guide. 
He is a Leadership & Anti-Human Trafficking Consultant and retired Lt. of the San Jose, CA Police Human Trafficking Task Force.
Supply Chain Transparency

Congresswoman Carolyn B. Maloney (D-NY) introduced the Business Supply Chain Transparency on Trafficking and Slavery Act of 2014 (H.R. 4842).

The bill requires companies with over $100 million in global gross receipts to publicly disclose any measures to prevent human trafficking, slavery and child labor in their supply chains as part of their annual reports to the Securities and Exchange Commission (SEC).

Maloney reintroduced the new version of her bill the day before the World Day Against Child Labor and shortly after a bombshell investigative report from The Guardian newspaper revealed that shrimp for sale in American grocery stores had been produced using slave labor and other abusive practices. Some large retailers responded by removing the illegally-produced shrimp from their shelves, but pro-active action is needed to prevent similar problems in the future.

Tell members of Congress to support and pass this bill.

Global Modern Slavery Directory

Bradley Myles, the CEO of Polaris, recently announced that Polaris launched the Global Modern Slavery Directory, a growing, publicly searchable database of more than 770 organizations and hotlines working on human trafficking and forced labor.

The Directory is meant to connect more victims to support and safety while strengthening the global movement against modern slavery and human trafficking. With over 120 countries represented, the Directory will better enable service providers, law enforcement, policy makers, and advocates to both identify modern slavery organizations in specific countries and determine what services are or are not provided in a region.

Because modern slavery is a global problem, action against it must also be global. The Directory is the collaborative effort of Polaris, the Freedom Fund, the Walk Free Foundation, and organizations from around the world.

http://www.globalmodernslavery.org

Correcting Business Supply Chain Abuses

The U.S. State Department is partnering with Made In A Free World to introduce Forced labor Risk Determination & Mitigation (FRDM™) to the business world.

FRDM™ is a revolutionary software product that gives profound insight into the complex web of global business-to-business (B2B) commerce and locates specific hot spots of risk in a supply chain for any industry.

This will allow businesses to stop working with risky suppliers; protect against modern slavery in federal contracts; join a network of businesses committed to removing forced labor from global supply chains

Made in a Free World plans to provide companies with a clear blueprint to mitigate their risk of unknowingly investing in suppliers who exploit forced or child labor. This strategic downward pressure on a supply chain has the power to disrupt illicit networks and empower vulnerable populations with freedom.

For more information, visit: http://madeinafreeworld.com/business
The Work of ‘PositivesNegatives’

PositiveNegatives produces literary comics about contemporary social and human rights issues. The creators combine ethnographic research with illustration and photography, adapting personal testimonies into art, education and advocacy materials. Visit their website to learn more.

Their comics explore complicated and controversial subjects including conflict, migration and asylum, through combining literature, journalism and education. Visual storytelling engages audiences of all ages, backgrounds and levels of literacy. Approaching subjects like conflict and forced migration through the prism of personal narratives emotionally engages general readers and students alike. Narratives are adapted directly from first-hand interviews. Illustrations are based on photographs or field research. Names and identifying characteristics are altered, and testimony is rendered anonymous, freeing contributors to be candid while discussing topics that are sensitive or have security implications.

PositiveNegatives adapts and dramatizes the stories told, while conveying those experiences accurately. Where possible, draft scripts are delivered to respondents for consultation before the work is committed.

Learn More About the California Domestic Worker Bill of Rights

Frequently Asked Questions about AB-241:
http://www.domesticworkers.org/ca-bill-of-rights/faq

Fact sheet on AB-241:
http://www.domesticworkers.org/sites/default/files/CABoR_Fact_Sheet.pdf

Domestic Workers Rights Fact Sheet
http://www.domesticworkers.org/sites/default/files/Domestic_Workers_Rights_Fact_Sheet_FINAL.pdf

Tell Congress to Address Illegal, Unregulated Fishing

In 2009 President Obama signed and passed to the Senate for ratification, the Port States Measures Agreement (www.gpo.gov/fdsys/pkg/CDOC-112tocs4/pdf/CDOC-112tocs4-pt1.pdf). The Agreement established, for the first time at the global level, legally binding minimum standards for port states to control port access by foreign fishing vessels, as well as by foreign transport and supply ships that support fishing vessels, thereby preventing IUU fishing. Only 11 countries (Mozambique, New Zealand, Gabon, Oman, Seychelles, Uruguay, Chile, Norway, European Union, Sri Lanka, and Myanmar) have ratified the agreement, which implements the International Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization (FAO) of the United Nations.

Two bills in Congress are the International Fisheries Stewardship and Enforcement Act (S. 269) and the Pirate Fishing Elimination Act (S. 267). Ask Congress to act on these bills and prevent human trafficking on the seas.