

**ACTION  
AGENDA**



**RIGHTS TO  
SURVIVAL &  
MOBILITY**

**AN ANTI-TRAFFICKING ACTIVIST'S AGENDA**



**National Asian Pacific American Women's Forum**

6930 Carroll Avenue, Suite 506

Takoma Park, MD 20912

[napawf.org](http://napawf.org)



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*Rights to Survival and Mobility: An Anti-Trafficking Activist's Agenda*

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## Acknowledgements

This action agenda is built on the rich and extensive history of anti-trafficking community organizing and policy advocacy within the Asian and Pacific Islander (API) women's community. Over many years, API activists and advocates in Los Angeles, New York, San Francisco, Seattle, Washington, D.C. and other parts of the country have met, networked, shared resources and deliberated on the unique impact and struggles of API trafficking survivors. In addition, API advocates here in the U.S. have been informed by the decades-long work of their API sisters in Asia and the Pacific Islands.

In 2005, following conversations with API leaders in the anti-trafficking movement, NAPAWF convened API advocates in Seattle, WA, at the University of Washington Women's Center to identify the specific needs and concerns of API survivors of human trafficking. Following the convening, NAPAWF developed a set of guiding principles for its anti-trafficking advocacy. In addition, NAPAWF examined how it could elevate an API women's and girls' perspective within anti-trafficking advocacy and human rights networks. Finally, many of NAPAWF's members and chapters—who had already conducted education forums and held lobby days, mini-conferences and campus campaigns on the trafficking of API women and girls—urged the organization to take on this issue. As a result, NAPAWF responded to the pressing need to develop an action agenda tailored to API women and girls and one that would unify our sisters' voices across the country.

Many issues raised in this agenda were informed by ongoing conversations with NAPAWF members and allies. In 2006, NAPAWF's Ten Year Anniversary Gathering in Los Angeles also brought together women from around the country to share ideas on how the organization can contribute to the anti-trafficking movement.

We would like to thank those who took time to review multiple drafts of the agenda and contributed to building this document: Mushahida Adhikari, Kiran Ahuja, Nahar Alam, Amanda Baran, Sutapa Basu, Emma Catague, Bonnie Chan, Courtney Chappell, Lora Jo Foo, Monica Ghosh, Priscilla Huang, Vivian Huang, Hamid Khan, Kathleen Kim, Ivy Lee, Yin Ling Leung, Tam Ma, Linh Ngo, Mary Nguyen, Orchid Pusey, Stefanie Ritoper, Joy Roberts, Lika Smith, Ivy Suriyopas, Juhu Thukral, Norma Timbang, Hedy Tripp, Friendly Vang-Johnson, Velma Veloria, Gabriela Villareal and Sang Hee Won.

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## Dedication

### Susana's Story

#### TRAGEDY IN THE KING COUNTY COURTHOUSE

Timothy, 48, first saw Susana in an international matchmaking catalog, Asian Encounters. She lived in Cataingan, Philippines and he lived in Washington. Asian Encounters promised "single, pretty Asian women who want to meet you." Timothy contacted Susana and started a correspondence. Their pen-pal courtship lasted over a year. On March 6, 1993, they married in her hometown. She expected a loving, caring and faithful husband – a fulfillment of her American Dream. He, however, wanted a docile, obedient Asian wife.

Only a day after they were married, Timothy attempted to choke Susana. The beatings continued after they moved to the United States. He terrorized her with violence and she left him after two weeks, finding refuge with two Filipina friends, Phoebe Dizon, 46 and Veronica Laureta Johnson, 42. Timothy filed for an annulment and Susana filed for divorce.

The divorce proceedings took place at the King County Courthouse in Seattle, WA. Before the closing statements in the divorce proceedings, Timothy opened fire on Susana, Phoebe and Veronica with a semiautomatic gun inside the courthouse. Susana was 8 months pregnant at the time of the shooting. All three women were killed. Susana was only 25 years old at the time of her murder.

Timothy was convicted of aggravated first-degree murder and manslaughter and sentenced to life in prison.<sup>1</sup>

Although there are happy and healthy marriages that result from international matchmaking services, there are many that end up like Susana's. International marriage brokers facilitate approximately 9,000 to 14,500 engagements between U.S. citizen/legal permanent resident men and foreign women.<sup>2</sup>

Today, there are hundreds of agencies like Asian Encounters across the globe.

This action agenda is dedicated to Susana and the thousands of others who have been killed, abused and exploited by human trafficking. It is our hope that all future trafficking-related abuses of women and girls in our global community will soon be prevented.





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## NATIONAL ASIAN PACIFIC AMERICAN WOMEN'S FORUM

# Guiding Principles for Anti-Trafficking Advocacy

NAPAWF is a national membership organization with a multi-issue advocacy focus, including economic empowerment and ending violence against women. NAPAWF and its members support programs and policies that strive to increase and protect women's personal, economic and political power and their right to self-determination.

In February 2005, approximately 15 Asian and Pacific Islander (API) female anti-trafficking/anti-violence advocates met in Seattle, WA, to discuss opportunities and obstacles to increasing the public voices of API women advocates and victims. Though API women constitute a majority of trafficked victims worldwide, their voices are relatively absent from the U.S. public policy-making process. Moreover, API anti-trafficking advocates find the field dominated by political agendas, narrow definitions of trafficking and advocacy efforts that inadvertently place undue burdens on victims and on immigrants.

To guide the work of NAPAWF and progressive allies, participants at the convening devised a set of guiding principles grounded in human rights: individuals should be free from oppression and violence; there should be a guarantee of economic opportunities for all people; individuals should have the right to migrate safely for economic and social reasons; and individuals should have the right to self-determination and self-sufficiency.

*To achieve these human rights, anti-trafficking initiatives should include the following principles:*

1. Be grounded in a critical analysis of the root causes of violence and exploitation relative to race, gender and class and of the "risk factors" or layers of vulnerabilities imposed by social, political and economic structures.
2. Advocate for the self-determination and self-sufficiency of trafficked survivors and strive to develop their leadership as advocates.
3. Limit unsafe migration but not migration generally. Trafficked survivors should not have to choose between a risk to personal safety versus a risk to their immigration status.
4. Caution against migration reforms that have the potential to increase the vulnerable status of migrants and consequently diminish self-determination.
5. Support enforcement against traffickers without increased criminalization of migrants or increasing restrictions on the (im)migration process.
6. Address, implicitly or expressly, the root causes of trafficking, namely globalization (poverty, lack of economic opportunities and lack of education, etc.) and its impact on trafficked survivors.
7. Support funding for research and data collection on human trafficking, as well as services and advocacy, in the U.S. and worldwide.
8. Promote impartial treatment of trafficked survivors regardless of their race, religion, class, ethnicity, gender or sexual orientation. Certain groups of trafficked survivors should not be singled out for better or worse treatment.
9. Stay focused on survivors' and women's human rights and decision-making within their social, cultural, economic and political context to avoid the politicization and moralization of human trafficking.
10. Focus advocacy efforts on the plight of all trafficked survivors, including all forms of trafficking such as domestic servitude, sweatshop and farm labor.
11. Discern certain arranged marriages or marriage-brokered relationships where fraud, coercion, abuse or forced labor are present as forms of bride trafficking.
12. Promote alliances with sister movements in the labor, immigrant rights, reproductive justice and anti-violence communities, etc.

*Revised March 2008*



## Executive Summary

Asian and Pacific Islander (API) women compose the largest segment of persons trafficked into the United States.<sup>3</sup> This fact alone makes it crucial that Asian and Pacific Islander activists are included in long-term strategies that address the issue of human trafficking. *Rights to Survival and Mobility: A Progressive Anti-Trafficking Activist's Guide* seeks to elevate the voices of API women as an important force in shaping an inclusive, national dialogue on human trafficking that embraces a human rights framework.

This action agenda hopes to focus attention on the specific needs of trafficked Asian and Pacific Islander women and suggests ways to integrate these needs into broader policy objectives and grassroots approaches. In addition, this action agenda will serve as a tool to mobilize NAPAWF members, allied organizations and community members to engage in human rights advocacy.

This agenda is divided into five parts. Part I looks at how factors such as poverty, inequality and globalization influence the growth of human trafficking and increase the vulnerability of Asian and Pacific Islander women to trafficking. Part II provides an overview of the ways that API women are trafficked, including different forms of forced labor and servile marriages. Part III highlights the United States' response to human trafficking, including federal, state and city legislation and efforts by non-governmental organizations to provide a network of social, legal and health services to survivors of human trafficking. Part IV examines the impact of U.S. anti-trafficking policies on API women and the limitations of the mainstream anti-trafficking movement. NAPAWF's progressive analysis on human trafficking is discussed in Part V. This section links the impacts of globalization, race, gender and class and other social justice struggles to the proliferation of human trafficking.

Finally, the agenda concludes with eight recommendations designed to assist anti-trafficking advocates, policy makers, community leaders and NAPAWF chapters in advancing progressive policies and social agendas that look at trafficking as it affects Asian and Pacific Islander communities in the United States. *Our recommendations include:*

- Emphasizing the links between race, gender, class and human trafficking
- Developing an integrated, survivor-focused anti-trafficking strategy
- Advocating for progressive and just immigration and migration policies
- Securing increased labor protections for vulnerable workers
- Expanding community education and outreach
- Collecting accurate statistics and investing in further research
- Building a progressive grassroots anti-trafficking movement
- Strengthening networks with international anti-trafficking activists





# Introduction

## Use of Human Rights Framework

NAPAWF uses a human rights framework in its anti-trafficking advocacy to broaden the conversation around human trafficking and connect to other social justice struggles. According to the Universal Declaration of Human Rights, every individual, regardless of gender, race, national or social origin, birth or other status, has the human right to migrate safely.<sup>4</sup> Analyzing human trafficking through a human rights lens also recognizes every person's right to live free from servitude, to choose a livelihood given the social, political and cultural context in which one lives and the freedom to decide the terms of one's liberation.

## Definition of Trafficking in Persons

NAPAWF adheres to the definition of human trafficking adopted in a United Nations convention<sup>a</sup> commonly referred to as the Trafficking Protocol of 2000.<sup>5</sup> A condensed U.N. definition of trafficking in persons<sup>b</sup> is the recruitment, transportation, transfer, harboring or receipt of persons, by means of force, fraud or coercion for the purpose of exploitation, such as enslavement,

debt bondage, forced labor or the removal of organs.<sup>6</sup> In short, trafficking in persons generally has five components: recruitment, coercion, forced labor, systems of bondage and fraud.<sup>7</sup> The methods used by human traffick-

Islander (API) citizens and legal permanent residents are trafficked within the U.S. borders, this agenda will focus on the international trafficking of API women and girls who are forced into all types of labor.<sup>c</sup> This agenda

**The Universal Declaration of Human Rights** represents international ethical standards that ensure an individual's human dignity and respect in all aspects of life.

*Why use human rights in the United States?*

Broadens inalienable rights outside of legal immigration status

Expands the framework for legal advocacy by using international human rights laws

Empowers oppressed communities to organize and build political power

Provides opportunities to mobilize and strategize across social justice movements

Source: The Ford Foundation, *Close to Home: Case Studies of Human Rights Work in the United States* (2004).

ers may include false promises of lucrative and legitimate work, actual or threatened physical harm, psychological manipulation, confiscation of identity documents and threat of harm to family members.

The trafficking of persons within a country's borders is termed "domestic trafficking." Although Asian and Pacific

also uses the terms *human trafficking* and *trafficking* interchangeably.

## Magnitude of Human Trafficking

Human trafficking is one of the worst forms of exploitation and human rights violations and has become a multi-billion dollar industry with profits that rival the illegal drug and arms

<sup>a</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime.

<sup>b</sup> The complete United Nations definition of trafficking in persons can be found in Appendix I.


<sup>c</sup> NAPAWF recognizes that men and boys are trafficked. However, because the U.S. State Department estimates that 80% of trafficked persons are female, the feminine is used to describe trafficked persons.

trade.<sup>8</sup> However, profit estimates and the precise number of persons trafficked are difficult to ascertain due to the underground nature of trafficking. As a result, the U.S. government has been unable to develop effective and reliable methods for estimating the magnitude of human trafficking.<sup>9</sup> For instance, estimates of annual global profits vary from \$9.5 billion<sup>10</sup> to \$32 billion.<sup>11</sup>

The lack of reliable statistics on all forms of trafficking hampers the delivery of services and the development of appropriate policy responses. No country, including the United States, keeps accurate trafficking statistics. Moreover, only a small percentage of trafficking situations are reported to legal authorities.

The challenge with collecting accurate numbers is amplified by the fact that governments and non-governmental organizations adopt different definitions of human trafficking, use weak methodologies of data collection and analysis,<sup>12</sup> and produce limited quality trafficking data.<sup>13</sup>

For example, the International Labour Organization (ILO) adopts the United Nations definition of trafficking in persons.<sup>d</sup> Under this definition, the ILO estimates that the number of trafficked persons globally may be as high as 2.5 million at any given time.<sup>14</sup>



“Mei” met her husband over the Internet. She left China to marry him in the U.S. Once she arrived, her husband imprisoned her in a remote area in the California desert for several months and sexually abused her. He made Mei learn English as part of his scheme to use her as his source of income as he grew older. She attended English classes where she also learned about shelters for domestic violence survivors. She called the police, escaped and sought help from the Coalition to Abolish Slavery & Trafficking, a non-profit organization in Los Angeles that provides services to survivors of human trafficking.<sup>15</sup>

Conversely, the U.S. government uses a different definition of human trafficking, which is listed in the Trafficking Victims Protection Act. The term “severe forms of trafficking in persons” means:

- (A) sex trafficking in which a commercial sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.<sup>16</sup>

Using this definition and the U.S. State Department’s research methodologies, the U.S. government estimates that 600,000 to 800,000 persons are trafficked across international borders each year.<sup>17</sup>

### Impact on Asian & Pacific Islander Women and Girls

Asian and Pacific Islander women compose the largest ethnic group of trafficked persons in the United States.<sup>18</sup>

According to the U.S. Department of Justice, the largest group of individuals trafficked into the United States come from East Asia and the Pacific Islands, followed by Latin America, Europe and other parts of Asia.<sup>19</sup> It is also estimated that two-thirds of trafficked persons are trafficked intra-regionally, most of which happens within East Asia and the Pacific.<sup>20</sup> The sheer number of trafficked Asian and Pacific Islander women and girls and the devastating impact of trafficking on the health and well-being of the API community, has spurred local activism by API women.<sup>e</sup>

While it is well documented that many trafficked persons are of Asian descent, limited research exists on the

d The International Labour Organization is the United Nations agency that works to improve labor conditions throughout the world.

e Although the term “Asian and Pacific Islander (API)” is used throughout the agenda, the majority of existing trafficking research is focused on Asian women. The lack of research on Pacific Islander women and girls presents challenges in documenting how many Pacific Islander women and girls are trafficked into various kinds of forced labor.



impact of human trafficking on specific ethnic groups. In particular, Pacific Islanders are absent from data collection efforts, even though it is widely known that trafficking occurs in the Pacific Islands. In addition, issues of race, class, gender and immigration status are almost never raised in current conversations on trafficking. ■





## I Rampant Inequalities

The rise of poverty in the Global South<sup>f</sup> has prompted API women to migrate in search of better opportunities. Between 1985 and 2000, the number of people living outside their country of origin increased by 67%, according to a report published by Anti-Slavery International.<sup>21</sup> It is now estimated that 175 million people reside in a country other than the one in which they were born,<sup>22</sup> and almost half of all migrants are women.<sup>23</sup> The number of female migrants from Asia is especially high, and more Asian women are migrating independently of their spouses or families. Across the world, of the total number of registered migrant workers from Sri Lanka, the

### Amy's Story

#### THE EXPLOITATION OF CHILD DOMESTIC WORKERS

Amy left her grandmother's home in Catubig, in Eastern Philippines, when she was just 14 years old to work as a domestic worker for a distant relative in a town just outside of Manila, the capital of the Philippines. Amy came from a very poor family and did not have an opportunity to attend school. She was very excited about the job, because she had always dreamed of going to Manila and hoped to see celebrities there.

Amy thought she would be working for only one relative, but ended up caring for nine family members, including children and a bedridden elder. Amy served the family from 4 a.m. through late into the evening. She was forced to launder and iron all the clothes, prepare all the meals, provide child-care, take care of her employer's aging mother, clean the house and do other odd jobs. If she made a mistake, she was punished. One time, her employer's nephew burned her arm with an iron. When she told her employer about it, her complaints were ignored.

Amy's only hope was to endure her abusive situation to earn money for her grandmother. However, Amy received minimal and infrequent compensation. Her employers sent some of her earnings back home to Amy's parents. Her mother received only 2,000 pesos for a year's worth of work, roughly U.S. \$40.

Amy continued to face physical and verbal abuse and worked long hours with little or no pay. When she received word that her grandmother had passed away, Amy asked to return home to attend the wake. Her employer refused. Finally, Amy escaped.

Upon fleeing from her employer's home, Amy encountered helpful bystanders. They called the Visayan Forum Foundation, a non-governmental organization that helps child domestic workers. The Visayan Forum provided Amy with shelter for three years. Now Amy is an advocate for domestic workers' rights. She eventually sought legal action against her employer and received all of her unpaid wages.<sup>24</sup>

<sup>f</sup> Global South is a term used to describe poor and underdeveloped regions of the world, such as Africa, Asia and Latin America. Conversely, Global North is a term used for wealthy industrialized countries, such as the United States, France and the United Kingdom. The London School of Economics and Political Science, 19 *Chapter 1: Defining, Conceptualising and Measuring Development*, available at <http://www.lse.ac.uk/collections/LSEExternalStudy/BeingAnExternalStudent/109chapter1.pdf>.

Philippines and Indonesia, 69%, 70% and 75% are women, respectively.<sup>25</sup> These workers travel around the globe for low-wage work, predominantly domestic work.<sup>26</sup>

### Contributing Factors to Trafficking

Numerous social conditions make women and girls vulnerable to traffickers. The forces that encourage migration can be divided broadly into “push” and “pull” factors.

*“Push” factors encourage API women to migrate abroad for work. Some of these factors include:*

- Gender-based violence
- Lack of educational opportunities
- Increasing rates of poverty and unemployment
- Civil unrest and the rise in militarization in source countries
- Tight immigration and migration policies in destination countries in contributing to unsafe migration<sup>27</sup>
- Declining social services
- Unmonitored labor sectors<sup>28</sup>

*Alternatively, “pull” factors include:*

- Opportunities for securing gainful employment
- Access to acquiring new skills
- Receiving an education abroad
- Available migration routes
- Established API communities in destination countries
- High demand for cheap and unskilled labor in industrialized nations<sup>29</sup>

Globalization has not only increased access to international markets and

expanded transnational social networks, but also increased poverty and inequality in many parts of the world. The economic disparities between the Global North and South exacerbate the “push” and “pull” factors and lead more API women to migrate unsafely and become vulnerable to the human trade. Moreover, traffickers are at low risk of being caught and penalized.<sup>30</sup>

Militarization and armed conflict also influence these “push” and “pull” factors. When a country goes to war, economic resources are shifted from social services to military spending. For example, it is estimated that the amount wealthy countries allocate to one year of HIV/AIDS prevention programming is equal to 18 days of weapons spending.<sup>31</sup> Developing countries also spend large amounts of government funds on military expenses. Countries in Asia, the Middle East, Latin America and Africa spend a total of approximately \$22 billion on arms each year. Meanwhile, the same amount of money could reduce child mortality by two-thirds by 2015.<sup>32</sup>

In addition, there are numerous reported cases of boys and girls in war-torn countries forced into military servitude. Child soldiers may join military forces because of a lack of educational and economic opportunities and joining the military is seen as a means of survival. Children as young as nine have also been abducted and forced into armed combat.<sup>33</sup> Girls are forced into sexual servitude, domestic work and used to lay explosives and fight in combat.<sup>34</sup> It is estimated that thousands of children are involved with

militaries in Asia, including in Burma, the Philippines, India, Laos, Indonesia and Afghanistan.<sup>35</sup>

Sexual violence against women during times of war has also been a key strategy for military dominance.<sup>36</sup> For example, over 200,000 women and girls from Korea, the Philippines, Burma, Indonesia and other regions occupied by Japan were forced into sexual servitude by the Japanese military during World War II. These women are commonly referred to as “comfort women;” however, the term is purely a euphemism for “sex slaves.”<sup>37</sup>

There have also been reported cases of human trafficking by privately operated U.S. military contractors in Iraq since the start of the Iraq War. Contractors have illegally confiscated the passports of laborers on U.S. bases. Furthermore, during an inspection of a contractor, the U.S. military identified “deceptive hiring practices, excessive fees charged by overseas job brokers who lure workers into Iraq, [and] substandard living conditions once laborers arrive.”<sup>38</sup> The contractor KBR, which is a subsidiary of Halliburton—the U.S. military’s largest contractor—is responsible for subcontracting with companies that “hire laborers from Nepal and other countries that prohibit citizens from being deployed in Iraq.”<sup>39</sup>

### Smuggling vs. Trafficking

Tight immigration and migration laws in developed countries force Asian and Pacific Islander women to enter or agree to be smuggled into these

### Human Smuggling vs. Human Trafficking

#### Smuggling

- (Im)migrant gives consent to transportation across an international border
- Illegal entry into destination country, including false travel documents
- (Im)migrant or family member pays fee or (im)migrant works off alleged debt
- International border is crossed
- Relationship between smuggler and migrant ends after border is crossed and payment is made
- Forced labor exploitation is not inherent in smuggling, but migrants may experience exploitation (e.g. sexual assault) during travel

#### Trafficking

- (Im)migrant laborer does not give consent to exploitive, abusive and forced conditions
- Elements of force, fraud or coercion and forced labor
- Legal and illegal entry into destination country
- Movement does not require international border-crossing under U.S. federal definition
- (Im)migrant or family member pays fee or (im)migrant works off alleged debt
- (Im)migrant considered a victim under U.S. law when properly identified by authorities
- Ongoing relationship between trafficker or trafficker's cohorts and migrant after recruitment and/or transportation occurs

Source: U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs, Human Smuggling and Trafficking Center, 4 *FACT SHEET: Distinction Between Human Smuggling and Human Trafficking*, available at <http://www.state.gov/documents/organization/90541.pdf> (April 2006) and Juhu Thukral, Sex Workers Project at the Urban Justice Center, Office Communications (notes on file with NAPAWF staff) (January 16, 2007).

countries illegally. When a migrant first meets her smuggler, a fine line exists between consent and coercion. For instance, an API woman who consents to being smuggled to another country for gainful employment or educational opportunities may unwittingly find herself in a forced labor situation where her movement is restricted and she is cut off from contact with the outside world. Thus, someone who willingly agrees to be smuggled can easily

become trafficked. In the corresponding table, the elements of smuggling and trafficking are compared. ■





## II Unspoken Injustices in Our Communities

Trafficking of API women and girls takes place across international and within national borders. In the United States, trafficked persons may be transported to more than one city and must endure further abuse and exploitation. There is also growing concern among advocates that trafficking of persons with legal immigration status is on the rise within the United States.<sup>40</sup>

### Forms of Forced Labor

The exploitation of immigrant workers and women of color in the U.S. is not a new phenomenon. Widespread abuses by employers occur in many sectors, including the garment, domestic, agricultural and restaurant industries. Workers are unpaid or underpaid and forced to work long hours in conditions that violate health and safety standards and other labor laws. Moreover, fair labor standards are not well enforced, which allows human trafficking to flourish in the U.S. The demand for cheap labor, weak or non-existent legal protections and the lack of regulation and enforcement over working conditions in many of the industries where women are trafficked are factors that contribute to the market for forced labor. Strict immigration and migration

policies also have an impact on human trafficking. Faced with the need to find employment, women take legal and physical risks to enter destination countries.

### Domestic Work

Recent studies in Asia show that the majority of parents view domestic labor as the safest form of work for

support networks and uninformed about their rights as child domestic workers.<sup>g</sup>

In the U.S., most domestic workers are women of color from Asia, Africa, Latin America and the Caribbean. In New York, 95% of domestic workers are people of color and 93% are women.<sup>43</sup> Although instances of child domestic workers are less



“Rose” left her hometown in Davao City, Philippines, when an international employment agency found her work in Malaysia as a domestic worker. She traveled with her employer to the U.S. with the understanding that it would be a temporary trip. Upon arriving in the U.S., he told her that he mistakenly lost her travel documents, but did not report it to the airport authorities. For two years, Rose was forced to clean, cook and take care of her employer’s children without time off or pay.<sup>41</sup>

their daughters. This belief is false, however, because it leaves young girls vulnerable to fraud and exploitation by recruiters.<sup>42</sup> Asian girls employed as domestic workers in private households are often subjected to psychological, physical and sexual abuse. Moreover, they are paid little for long hours, often confined to the household, isolated from community

common, there are anecdotal reports of girls from the Pacific Islands brought to the Seattle area by family members to help with household responsibilities and ultimately forced to work under extremely exploitative situations.<sup>44</sup>

U.S. immigration policies allow foreign employers, such as diplomats,

<sup>g</sup> The Philippines has laws that prohibit the employment of minors in hazardous work (Republic Act 9231), create minimum employment standards for domestic workers (Labor Code of the Philippines and Civil Code 1689-1699) and protect children against abuse, exploitation and discrimination (Republic Act 7610).

to bring domestic workers on special visas.<sup>h</sup> These visas are employer-based; therefore, if the worker leaves her employer she will lose her legal immigration status.<sup>45</sup> Dependence on employers for legal immigration status leaves foreign domestic workers vulnerable to abusive situations. This vulnerability is compounded by the fact that these workers are not provided any protections under federal labor laws.<sup>i</sup>

Current U.S. laws do not protect domestic workers. Domestic workers are not defined as protected employees under the National Labor Relations Act<sup>46</sup> nor are they covered by regulations under the Occupational Safety and Health Act.<sup>47</sup>

In addition, diplomats and employees of international organizations are often exempt from prosecution because of diplomatic immunity, and are therefore not subject to the criminal, civil or administrative jurisdiction of U.S. courts. Unfortunately, the U.S. government does not monitor employer treatment of migrant domestic workers with special visas.<sup>48</sup> Although the State Department requires foreign national employers to submit employment contracts with certain mandatory

conditions, the U.S. government does not enforce the contracts or maintain records of them.<sup>49</sup>

There are widespread reports of abuse of Asian domestic workers by diplomats and employees of international organizations. For example, “Zafirah,” a Bangladeshi domestic worker employed by a Middle Eastern diplomat to the United Nations, was forced to work 14 hours a day, seven days a week with no days off. Her wages were equivalent to \$1.03 an hour. She was physically and psychologically abused, her travel documents were confiscated and she was confined to her employer’s home. Zafirah was able to report the abuse to authorities but her employer invoked diplomatic immunity, leaving her without legal or economic recourse.<sup>50</sup>

### Factory and Sweatshop Work

When the U.S. garment industry was at its peak in 1973, it provided 1.4 million jobs.<sup>51</sup> However, various international trade policies resulted in cutting those jobs down to approximately 207,800.<sup>52</sup> Although nearly 80% of clothing sold in the U.S. is made overseas, it is expected that the existing U.S. garment factories will remain to respond to

emerging market needs for women’s apparel.<sup>53</sup> Garment factories employ primarily immigrant Asian and Latina women and other immigrant women of color and operate in a number of cities across the U.S., including New York, Los Angeles and San Francisco.<sup>54</sup> The garment industry in Los Angeles employs approximately 63,000 garment workers, of whom 70% are Latina and 20% are Asian.<sup>j</sup>

Sweatshops<sup>k</sup> exist when the power of retailers is consolidated, workers are exploited, wages are driven down by competition with overseas factories and labor laws are not enforced.<sup>55</sup> It is not uncommon for garment factory workers to work ten- to twelve-hour shifts, six to seven days a week, be paid less than the federal minimum wage and not receive any overtime pay.<sup>56</sup> They often work under dangerous conditions that include exposed electrical wiring, blocked aisles and fire exits, unguarded machinery, unsanitary bathrooms and poor ventilation.<sup>57</sup> The women also often suffer from work-related injuries and health problems.<sup>58</sup> In 2000, the U.S. Department of Labor found that two-thirds of garment factories in Southern California were in violation of federal minimum wage and overtime laws.<sup>59</sup>

- h Domestic workers hired by diplomats enter the U.S. with an A-3 visa and those hired by officials of international organizations are issued a G-5 visa. Human Rights Watch, 1 *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States* (June 2001).
- i In the Fiscal Year 2005, nearly 3,000 workers entered the U.S. with A-3 and G-5 visas. U.S. Department of Homeland Security, Office of Immigration Statistics, 66 *Yearbook of Immigration Statistics* (November 2006).
- j Asians working in Los Angeles garment factories are predominantly Chinese, Korean, Vietnamese and Filipino women. Lora Jo Foo, 62 *Asian American Women: Issues, Concerns and Responsive Human and Civil Rights Advocacy* (2nd edition 2007).
- k A sweatshop is “an employer that violates more than one federal or state labor law governing minimum wage and overtime, child labor, industrial homework, occupational safety and health, workers’ compensation or industry registration.” U.S. Government Accountability Office, 1 *Garment Industry: Efforts to Address the Prevalence and Conditions of Sweatshops* (November 1994).



Several high-profile cases involving Asian women trafficked into sweatshop labor highlight the severity of forced labor and involuntary servitude in the U.S. In 1995, in the Los Angeles suburb of El Monte, authorities discovered a sweatshop where 72 Thai immigrant men and women were imprisoned in a compound behind razor wire fences and armed guards. They were forced to sew garments for brand-name clothing lines—such as High Sierra, B.U.M. and Anchor Blue, which were sold at Miller’s Outpost, Nordstrom, Target and Sears<sup>60</sup>—for less than \$2 an hour. Some of the Thai garment workers had been held in involuntary servitude for 17 years.<sup>61</sup> Grassroots organizations mobilized the community to advocate for the workers’ legal rights. The Thai workers filed a lawsuit along with Latino workers at another sweatshop location and won a \$4 million settlement.<sup>62</sup>

In another example, from 1991 to 1994, many migrants smuggled from Fujian Province in China to the U.S. owed “snakeheads” (human smugglers) up to \$30,000 in fees.<sup>63</sup> Chinese women who entered the country this way often ended up working in New York’s garment sweatshops. These workers encountered harassment, beatings and sometimes death at the hands of snakeheads for “protesting poor working conditions or for not working hard enough to repay their debt.”<sup>64</sup>

The fate of sweatshop workers in U.S. territories is often even worse, because factory owners operate under fewer legal regulations yet benefit from the “Made in U.S.A.” label. The largest-ever trafficking case, *United States v. Kil Soo Lee*, involved nearly 200 Vietnamese and Chinese garment workers brought to American Samoa to work as sewing machine operators at the Daewoosa garment factory. Some of the women were held captive for nearly two years and were forced to work under inhumane conditions, including physical abuse, confinement and food deprivation.<sup>65</sup> Kil Soo Le, the owner of the factory, was found guilty of trafficking, sentenced to 40 years in prison and ordered to pay \$1.8 million in restitution.<sup>66</sup> The U.S. Occupational Safety and Health Administration fined the factory \$78,500 for health and safety violations.<sup>67</sup>

Fortunately, there are other successful cases where retailers and manufacturers were held accountable. In April 2003, a landmark settlement was reached for 30,000 workers in Saipan in a class action lawsuit against 26 of America’s largest clothing retailers and 23 Saipan garment manufacturers, including Abercrombie & Fitch, Calvin Klein Inc., Polo Ralph Lauren, Target Corp. and J. Crew Inc.<sup>68</sup> The \$20 million settlement award included back wages and the development of an independent monitoring system to

ensure compliance of labor standards of Saipan garment factories.<sup>69</sup>

Some states and cities are also responding to improve working conditions for garment workers. In 1999, California enacted Assembly Bill 633 (AB 633), which holds garment manufacturers and retailers legally responsible for ensuring that their workers are paid minimum wages and overtime compensation.<sup>70</sup> New York also has laws designed to protect workers. The Joint Liability Law, passed in 1998, holds contractors and manufacturers responsible for wages not paid to workers. Prior to this law, only contractors were liable for unpaid wages. This law also enables the New York State Commissioner of Labor to label goods produced by illegal contractors as “unlawfully manufactured.”<sup>71</sup> In addition, school districts in Minneapolis, New York and Los Angeles have adopted resolutions to purchase only “sweat-free” school uniforms. New York City also extends this policy to all city uniforms.<sup>72</sup> Similar policies have been adopted in Berkeley, CA,<sup>73</sup> Toledo, OH,<sup>74</sup> and Austin, TX.<sup>75</sup> Currently, there are over 170 cities with sweat-free policies.<sup>76</sup>

## Sex Work

Sex work is defined as the “exchange of money or goods for sexual services.”<sup>1</sup> The Human Rights Center at the University of California at Berkeley found that 46% of the

1 The United Nations Population Fund defines sex work as “the exchange of money or goods for sexual services, either regularly or occasionally, involving female, male, and transgender adults, young people and children where the sex worker may or may not consciously define such activity as income-generating.” United Nations Population Fund, UNAIDS Inter-Agency Task Team on Gender and HIV/AIDS, 1 *HIV/AIDS, Gender and Sex Work*, available at [http://www.unfpa.org/hiv/docs/hiv%20factsheets/factsheet\\_genderwork.pdf](http://www.unfpa.org/hiv/docs/hiv%20factsheets/factsheet_genderwork.pdf).

survivors identified in the United States were forced into sex work.<sup>77</sup>

Though some Asian women are forced into sex work, not all women working in brothels are the victims of human trafficking. There are many instances where women are voluntarily involved in the sex industry and have made the decision to become sex workers. Thus, advocates are increasingly concerned that brothel raids have become a common tactic for “rescuing” sex workers.

While raids may provide opportunities for some women and girls to be liberated from exploitative conditions, raids can also put women at risk of physical harm and disrupt their livelihood.<sup>78</sup> Raids also perpetuate the cycle of control over trafficked persons who were forced into sex work. Instead of confinement to a brothel, “rescued” sex workers may be confined to a shelter or orphanage. For example, the Anti-Trafficking Coordination Unit Northern Thailand (TRAFCORD) and International Justice Mission<sup>m</sup> “rescued” women working in a brothel in Chiang Mai, Thailand, during a raid. Within 24 hours of the “rescue,” some women escaped, and by month’s end, more than half of them escaped.<sup>79</sup> A sex workers’ rights organization in Thailand, Empower, likened the raid

to a criminal arrest where the women were detained against their will, interrogated, stripped of their belongings and restricted from contacting family, friends and advocates.<sup>80</sup> In fact, the women were told they had to leave the sex trade in Thailand or risk being detained.<sup>81</sup> Furthermore, their release was contingent upon agreeing to be a witness against their “trafficker.”<sup>82</sup>

Trafficked women and girls are also vulnerable to treatment as criminals during a raid, particularly if law enforcement officials are not properly trained to identify trafficking situations. A U.S. Congressional Research Service report found that “when police raid brothels, women are often detained and punished, subjected to human rights abuses in jail and swiftly deported.”<sup>83</sup>

#### SEX TOURISM IN THE PACIFIC ISLANDS AND ASIA

A thriving sex tourism industry exists on the Pacific Islands and in Asia that relies on young children. Widespread urban poverty, increasing tourism and the rising number of foreign and local men in logging, mining and fishing industries in the Pacific Islands contribute to the commercial sexual exploitation of Pacific Islander children.<sup>84</sup> In Papua New Guinea, girls are targeted for exploitation due to the “low status

of females”<sup>85</sup> that is prevalent in the culture. Poverty also plays a dominant role in driving sex tourism in Asia. Sex tourism is established in developing countries like the Philippines, Sri Lanka and Thailand and is emerging in Cambodia and Vietnam.<sup>86</sup>

Some sex tourists prefer children because they erroneously believe that children are less likely to transfer sexually transmitted infections, particularly HIV.<sup>87</sup> Sex tourists may also hold a false assumption that paying children for sex “helps” them because the money will benefit their families.<sup>88</sup> However, money paid for sex usually goes directly to the pimp or trafficker. Tragically, children who are forced into sex work are likely to suffer from long-term emotional and physical trauma and future reproductive health problems.<sup>89</sup>

#### Servile Marriages

Foreign brides who are caught in servile marriages are kept in solitude and forced to be servants to their husbands.<sup>90</sup> Asian and Pacific Islander women who enter a marriage through the use of an international marriage broker (IMB) may end up in servile marriages, especially when they do not have full knowledge of their husbands’ criminal and marital backgrounds.<sup>n</sup> Some API women also

<sup>m</sup> TRAFCORD is a coalition of governmental and non-governmental organizations in the Chiang Mai Province that assists human trafficking survivors. The International Justice Mission (IJM) is a U.S. faith-based organization that works with trafficked persons. IJM is widely known for its brothel raids.


<sup>n</sup> A servile marriage is a marriage that a woman was promised or given into without her consent. The United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery further defines servile marriage as: “A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or the husband of a woman, his family or his clan, has the right to transfer her to another person for value received or otherwise; or a woman on the death of her husband is liable to be inherited by another person.”

end up in servile marriages through informal matchmaking networks, such as family and friends or Internet dating.

About 100,000 to 150,000 women from around the globe advertise their availability for marriage in catalogs, e-mail pen-pal clubs on the Internet, classified ads and various types of dating services.<sup>91</sup> Women seeking spouses in this fashion are commonly referred to as “mail-order brides,” although many advocates and foreign brides have found this to be a derogatory term. It is estimated that every year approximately 8,000 to 12,000 men in the U.S. find foreign brides with the help of IMBs.<sup>92</sup> Filipinas make up a large segment of foreign brides listed in IMB “catalogs,” while many others come from Southeast Asia and Eastern Europe.<sup>93</sup> For example, Cherry Blossoms, a prominent IMB that has been in business for over 30 years, maintains a list of approximately 6,000 foreign women seeking husbands. Among those women listed, 51% are from the Philippines.<sup>94</sup>

Women use international marriage broker services for several reasons. They have hopes for a better life with more economic and educational opportunities. Women also sign up to meet partners abroad because they desire a loving, respectful relationship that they believe they cannot find with men in their home country.

A study conducted in 1999 found that most male consumers of international marriage brokers (IMBs) are predominantly Caucasian, highly educated,



“Maria,” a young woman from a rural province in the Philippines, came to the United States in 1990 to marry retired police officer, Eldon Doty, even though his ex-wife still lived with him. The Dotys deceived Maria and orchestrated a sham marriage between her and Eldon Doty to force her to become their servant. When Maria fled after three years of indentured servitude, the Dotys worked with immigration authorities to deport her, in exchange for immunity from prosecution.<sup>95</sup>

politically and ideologically conservative, financially secure and professionally successful. The majority were formerly married. Their interest in marrying a foreign bride stems from negative experiences in their former marriages and their perception of American women as career-focused. These men desire women with “traditional values” and believe that foreign women are good homemakers and submissive.<sup>96</sup>

Although not all foreign women who enter the U.S. in this manner experience violence and exploitation, a woman may find herself a victim of bride trafficking when she is not fully informed about her partner’s criminal and/or marital history and consequently cannot meaningfully consent to the nature of the relationship.

Unfortunately, both Mei’s and Maria’s stories represent the all-too-common experience of API women who use international marriage brokers and unwittingly enter into servile or abusive marriages with men in the U.S. In a 2003 survey of legal service providers who worked with immigrant women survivors of domestic violence, over

50% reported that the survivors they worked with met their abusive partner through an IMB.<sup>97</sup>

Until recently, international match-making services were unregulated and generally did not screen male clients for a history of domestic violence or criminal activity. Thus, community leaders worked together to develop strategies to counter the prevalence of abuse among these foreign women. For example, Asian and Pacific Islander women activists in Seattle responded to high-profile homicide and exploitation cases of foreign brides by seeking legal protections and social services for them. ■





## III Responses to Trafficking

Around the globe, governments and community-based organizations are working to combat human trafficking with an array of prevention, intervention and treatment strategies. In the U.S., Congress passed several key pieces of legislation aimed at stemming the tide of human trafficking, including the Trafficking Victims Protection Act and the International Marriage Brokers Regulation Act. Further, many states have enacted their own anti-trafficking legislation. Non-governmental organizations are actively undertaking programs aimed at community outreach and public education at the local, regional and national levels to raise awareness of trafficking and to enhance the capacity of both community and governmental agencies to more effectively recognize, protect and assist trafficked persons.

### International Response

Communities and governments around the globe have been mobilizing against human trafficking since the 19th century. Human trafficking is among the top three organized crime activities in the world, alongside drug

and arms trafficking.<sup>98</sup> The United Nations (UN) reports that human trafficking is the fastest-growing underground enterprise. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children—also known as the UN Trafficking Protocol—was adopted by the General Assembly in 2000.<sup>99</sup> The Trafficking Protocol connects human trafficking with organized crime, since it is a part of the UN Convention Against Transnational Organized Crime.<sup>100</sup> Under the UN Trafficking Protocol, countries must strive to provide survivors with basic needs and protections. The Trafficking Protocol entitles survivors to certain legal protections and the prospect of obtaining compensation for damage suffered.<sup>101</sup>

### Federal Policies

#### TRAFFICKING VICTIMS PROTECTION ACT OF 2000

The Trafficking Victims Protection Act of 2000 (TVPA)<sup>o</sup> criminalizes human trafficking and provides a range of protections and assistance for

survivors.<sup>102</sup> The TVPA has three main components: prosecution of traffickers, prevention of trafficking and protection for survivors.

The TVPA makes it possible to charge traffickers specifically with human trafficking. Prior to the passage of the TVPA, federal prosecutors used laws, such as the Racketeer Influenced and Corrupt Organizations Act, to prosecute traffickers. The TVPA seeks to prevent trafficking by instructing foreign governments to address human trafficking in source countries. Protection comes in the form of social and legal services and the grant of legal immigration status. Survivors are eligible for legal immigration status if they meet all of the following criteria:

- Meet the federal definition of a victim of human trafficking<sup>p</sup>
- Be willing to cooperate in the investigation or prosecution of the trafficker, unless the trafficked person is under the age of 18
- Be physically present in the U.S., American Samoa or the Commonwealth of the Northern Mariana Islands, on account of trafficking

- <sup>o</sup> As of February 2008, the Trafficking Victims Protection Reauthorization Act of 2007 passed in the U.S. House of Representatives and there is currently no version introduced in the U.S. Senate.
- <sup>p</sup> The TVPA defines a victim of trafficking as someone who has endured “sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform such act has not attained 18 years of age; or the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.” Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. No. 106-386, § 103(8).

- Demonstrate extreme hardship if he/she returned to home country

The TVPA adopts a narrower definition of human trafficking compared to the UN Trafficking Protocol because it singles out sex trafficking. Survivors in the U.S. are eligible for federally-funded services and legal status if there was force, fraud or coercion involved and the survivor meets other criteria.<sup>q</sup>

The TVPA created different types of visas to support survivors of trafficking and grant them legal immigration status. The T visa provides legal immigration status, work authorization and public assistance to those who cooperate with the investigation and prosecution of their trafficker. T visas are valid for four years with the option to apply for permanent residency at the end of the fourth year.<sup>103</sup> As a T visa holder, survivors are eligible for a range of social and

legal services.<sup>r</sup> However, regulations to adjust from a T visa to legal permanent resident status have not been issued. There is a dire need to create these regulations, because survivors' rights and benefits may be compromised when their T visas expire.<sup>104</sup>

The U visa provides certain undocumented victims of crimes with lawful immigration status and employment authorization.<sup>105</sup> It took nearly seven years for the U.S. Citizenship and Immigration Services (USCIS), formerly the Immigration and Naturalization Service, to issue interim regulations and procedures for the U visa; however, the final regulations have yet to be published.

Though the TVPA was the first comprehensive federal law enacted to address human trafficking, advocates have several concerns about the current law's ability to protect survivors. First, the TVPA primarily focuses on

law enforcement measures and little on the needs of survivors. A survivor-centered approach would prioritize the needs of the trafficked individual first. For instance, many advocates believe that stipulating social services and legal immigration status upon cooperation with law enforcement undermines the claim that the legislation is survivor-centered in nature.<sup>s</sup> Since passage of the TVPA in 2000, implementation has centered on prosecution rather than assistance for survivors. In the fiscal years 2001 to 2005, the U.S. Justice Department filed 91 trafficking cases, charged 248 defendants and convicted 140 traffickers.<sup>106</sup> According to USCIS, only a total of 743 principal T visas<sup>t</sup> have been issued as of September 30, 2006, even though 5,000 have been allotted every year since 2000.<sup>107</sup> Yet the U.S. State Department estimates that up to 17,500 individuals are trafficked into the U.S. annually.<sup>108</sup>

- q Unlike the TVPA, the UN Protocol does not focus on the consent of the trafficked person, but rather the exploitive working conditions. Thus, the UN Protocol takes a step further by recognizing the nuances of power and control involved in trafficking. Harvard Law Review, 2581-2582 *Remedying the Injustices of Human Trafficking Through Tort Law*, Vol. 119 No. 8 (June 2006).
- r The TVPA created a service provision framework that divided services into *pre-certified* and *post-certified* services. Pre-certified services are time-limited and offered during the lengthy identification process to meet survivors' immediate needs. Heather J. Clawson, Kevonne M. Small, Ellen S. Go, Bradley W. Myles, 27 *Needs Assessment for Service Providers and Trafficking Victims*, available at <http://www.ncjrs.gov/pdffiles1/nij/grants/202469.pdf> (October 2003). Pre-certified services include social and legal services. Post-certified services are provided to survivors after they have been issued a T visa and certified by the Office of Refugee Resettlement to receive federally-funded services. U.S. Department of Health and Human Services Administration for Children & Families, *Fact Sheet: Certification for Victims of Trafficking*, available at [http://www.acf.hhs.gov/trafficking/about/cert\\_victims.html](http://www.acf.hhs.gov/trafficking/about/cert_victims.html) (November 10, 2004).
- s The Violence Against Women and Department of Justice Reauthorization Act of 2005, however, does offer more survivor-centered approaches. It waives the requirement for trafficking survivors to assist in the investigation and prosecution of their trafficker if their physical and psychological trauma will prohibit their ability to do so. Legal Momentum, 2 *VAWA 2005 Immigration Provisions: Final as Passed by U.S. House of Representatives and U.S. Senate* (notes on file with NAPAWF staff) (December 17, 2005) and VAWA 2005 Sec 801(a)(3)). However, advocates have not yet determined if this is a viable option for survivors. Juhu Thukral, Sex Workers Project at the Urban Justice Center, Office Communications (notes on file with NAPAWF staff) (January 22, 2007) and Kathleen Kim, Office Communications (notes on file with NAPAWF staff) (January 23, 2007).
- t Survivors of trafficking are principal visa holders. If eligible, principal T visa holders can apply to get derivative visas for their family members. U.S. Department of State, Glossary of Visa Terms available at [http://travel.state.gov/visa/frvi/glossary/glossary\\_1363.html#denomination](http://travel.state.gov/visa/frvi/glossary/glossary_1363.html#denomination) (June 2006).

Other problems that arise because of the U.S.'s focus on law enforcement include the grueling questioning that many survivors must go through to be identified as trafficked individuals.<sup>109</sup> The lack of culturally and linguistically appropriate services makes the task of identification even more difficult. In addition, once the women are identified as trafficking survivors and eligible for release, traffickers will often pose as relatives, post bond and resume control over the survivors released back into their custody.<sup>110</sup> Unless social service agencies are able to arrange for assistance from trusted legal service providers, the trafficker's lawyers may present themselves to immigration authorities on the survivor's behalf, giving traffickers access to the woman's whereabouts and endangering her safety.<sup>111</sup>

Advocates have also encountered situations where clients who were unwilling to cooperate with law enforcement were arrested as material witnesses. Under these circumstances, survivors were kept in federal custody and endured physical detention or conditional release, such as house arrest or surveillance.<sup>112</sup> Clearly, placing survivors under arrest does not maintain a survivor-centered approach to providing services.

#### TRAFFICKING IN PERSONS REPORT

The U.S. Department of State releases an annual report, the Trafficking in Persons Report (TIP Report), which assesses the anti-trafficking efforts of the U.S. and other foreign governments. The TIP Report categorizes

countries into three tiers based on the country's efforts to establish anti-trafficking measures according to U.S. government standards. Tier 1, the highest tier, is designated for countries with "acceptable" anti-trafficking laws and measures. Tier 2 is reserved for countries that are making progress towards implementing anti-trafficking standards that are acceptable to the U.S. government. The Tier 2 Watch List consists of countries that have made commitments to improve their anti-trafficking standards in the next year, have not made progress over the past year or have an increasing number of trafficked persons.<sup>113</sup> The lowest tier, Tier 3, is reserved for governments that the U.S. deems are not making any progress towards addressing human trafficking in their country. The U.S. government gives itself the discretion to place non-humanitarian, non-trade-related sanctions on countries on the Tier 3 list.

Many advocates in the U.S. and abroad have challenged the three-tiered process, particularly the sanctions. They argue that rating foreign governments—especially source countries—on their trafficking efforts is counterproductive to addressing the underlying causes of human trafficking and places the blame and the burden of responsibility onto other governments.

There has also been criticism about the TIP Report's 600,000 to 800,000 estimate of persons trafficked across international borders annually. Even the U.S. Government Accountability Office (GAO) found that approximation to be unreliable. In July 2006,

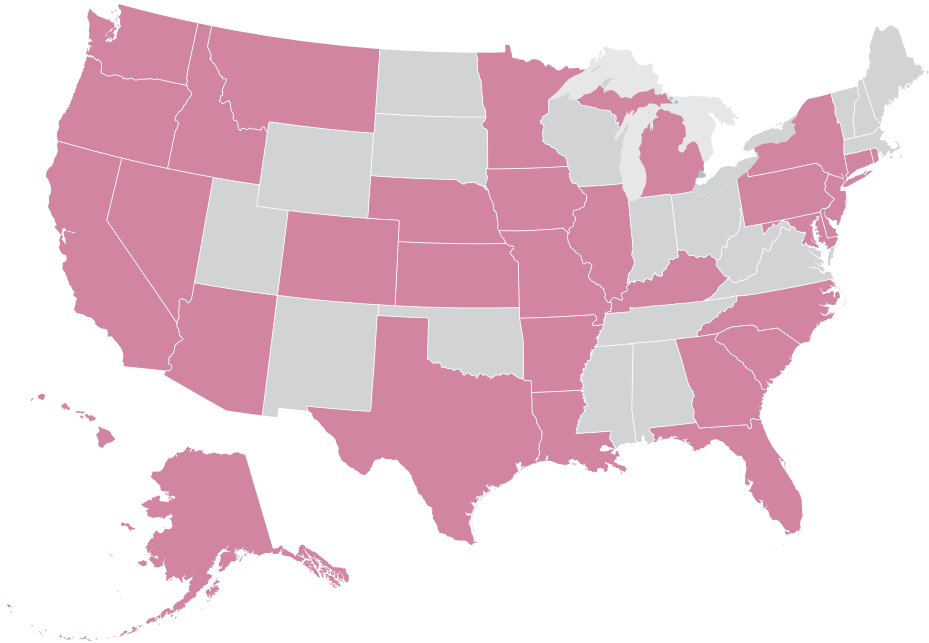
the GAO released a report that assessed the magnitude of human trafficking globally and evaluated the United States' efforts against fighting human trafficking abroad. The report found that the U.S. Department of State's estimate of persons trafficked globally each year was developed by one individual who did not document all of his work. Therefore, it is uncertain whether the estimate could be replicated.<sup>114</sup>

#### INTERNATIONAL MARRIAGE BROKER REGULATION ACT

The 2005 Reauthorization of the Violence Against Women Act incorporated provisions of the International Marriage Brokers Regulation Act (IMBRA), a bill that is largely modeled after similar Washington State legislation enacted in 2002. IMBRA provides protection to foreign women planning to marry an American citizen or a legal permanent resident (LPR). Under the law, American citizens or LPRs that wish to petition their fiancée to enter the U.S. are not permitted to file more than one fiancée visa at any given time. Other provisions of IMBRA include forwarding the criminal and marital background of U.S. clients to foreign fiancées or brides; providing a description of the rights and resources available in the U.S. and consular offices for domestic violence survivors; and notifying foreign fiancées of any U.S. clients who had previously filed for a foreign fiancée visa. In addition, women must give written consent to the international marriage broker (IMB) to release their contact information to U.S. clients before a client can

### States with Anti-Trafficking Criminalization Laws

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Washington



Source: Center for Women's Policy Studies, U.S. Policy Advocacy to Combat Trafficking, *Enacted Laws by States, Criminalization Statutes* available at <http://www.centerwomenpolicy.org/programs/trafficking/map/statelist.cfm?linktype=1>.

contact her.<sup>115</sup> IMBRA also protects young women under the age of 18 from being profiled by U.S.-based IMBs.<sup>116</sup> International marriage brokers that fail to comply with IMBRA may face a civil fine of up to \$25,000 and up to five years in federal prison.<sup>117</sup>

It is important to note that when IMBRA was first introduced in Congress, its sponsors wanted to name the bill after Anastasia King, a foreign bride from Kyrgyzstan who was killed by her American husband. Many API activists advocated against naming the bill after Anastasia because it failed to recognize the efforts of the API community to combat servile marriages. The abuse of foreign brides was largely brought to the media's attention

through the activism of API women in Washington State, who launched an intensive awareness-raising campaign in response to the deaths of a number of Asian brides at the hands of their husbands. API women raised a storm of public protest and succeeded in renaming the legislation to the International Marriage Brokers Regulation Act to recognize the plight of all abused foreign brides, including immigrant women of color.

API communities have also raised concerns that IMBRA would cast a negative light on the cultural traditions of arranged marriages and "pen-pal" relationships, particularly in the South Asian and Filipino communities, respectively. Although many

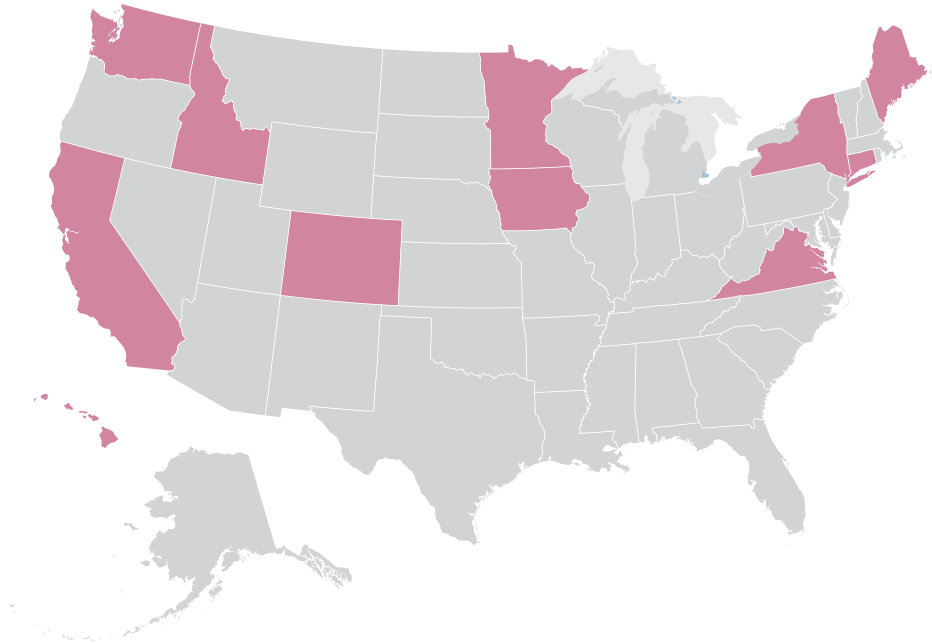
API activists support IMBRA, it is important to recognize that not all marriages resulting from pen-pal relationships or arranged marriages end in violence and exploitation.

Supporters and consumers of IMBs have been vocal in their opposition to IMBRA. Opponents have created websites and blogs dedicated to verbally attacking feminists and advocates they find responsible for IMBRA. One group of IMBs in Ohio even filed a federal lawsuit contesting the constitutionality of IMBRA, which was dismissed in January 2007.<sup>118</sup> In March 2007, the United States District Court for the Northern District of Georgia also rejected another IMB's claim that the law is unconstitutional.<sup>119</sup>



### States with Anti-Trafficking Task Forces

California, Colorado, Connecticut,  
Hawaii, Idaho, Iowa, Maine,  
Minnesota, New York, Virginia,  
Washington



Source: Center for Women's Policy Studies, U.S. Policy Advocacy to Combat Trafficking, *Enacted Laws by States, State Task Forces*, available at <http://www.centerwomenpolicy.org/programs/trafficking/map/statelist.cfm?linktype=4>.

As previously mentioned, not all servile marriages result from international marriage brokers. In fact, one legal advocacy organization estimated that 80% to 90% of the women they represented in servile marriage cases met their spouses through informal means, such as family, friends or Internet dating.<sup>120</sup> In these situations, IMBRA does not offer protections for foreign brides because it is limited to regulating IMBs.

### State Legislation

Many states have laws that criminalize human trafficking. In practice,

most federal resources focus on larger trafficking operations. As a result, single-survivor cases are left for local prosecutors to pursue. Thus, comprehensive anti-trafficking statutes allow local prosecutors to be more vigilant in pursuing perpetrators.

In an effort to encourage states to adopt or enhance their own anti-trafficking laws, both the U.S. Department of Justice (DOJ) and a coalition of social service providers and attorneys each developed model anti-trafficking laws. The DOJ model law, Model State Anti-Trafficking Criminal Statute, focuses on the criminalization of

human trafficking. This model statute contains criminal provisions, sentencing enhancements and protocols for dealing with victim protection.<sup>121</sup> The coalition of advocates, many whom are members of the Freedom Network (USA),<sup>u</sup> developed the State Model Law on Protection for Victims of Human Trafficking. This model law provides additional recommendations, such as addressing civil remedies for survivors and eliminating capital punishment as a sentence for traffickers.<sup>122</sup>

Washington State in particular leads the country in its response to human

<sup>u</sup> The Freedom Network (USA) is a coalition of 25 non-governmental organizations that provides direct services to survivors of human trafficking and advocates for their rights.

trafficking. It was the first to create a statewide anti-trafficking task force, enact legislation to regulate the disclosure of information by IMBs and criminalize human trafficking. In addition, Washington State passed several laws designed to address the broader ramifications of trafficking, such as crime victim compensation, asset forfeiture of convicted traffickers, special protection orders for trafficked persons and FBI background checks on persons soliciting marriage. These successes are largely due to the effective community organizing and leadership of API women leaders, including Washington State's first Filipina legislator, Velma Veloria. The Washington state government also created a coalition of activists, legislators, researchers, federal and local law enforcement agencies and other state agencies to develop legislation and implement programs incorporating ideas from a cross-section of perspectives.

Although Washington's anti-trafficking legislation was enacted in 2003, no individual to date has been prosecuted

under the law. There has not been a formal evaluation on whether the implementation on the state law has been effective. However, advocates speculate that the law has not been used because there is a lack of knowledge of trafficking and the state law among law enforcement, social service providers, local prosecutors and communities. Advocates suspect that local prosecutors are unaware of the human trafficking law and instead prosecute offenders using other criminal statutes related to prostitution, sexual exploitation of a minor, statutory rape or abduction. Thus, extensive education and outreach among law enforcement, prosecutors, service providers and community groups is needed to implement the law successfully.

In 2006, the California Legislature passed Senate Bill 1569, authored by State Senator Sheila Kuehl. With this law, California became the first state in the nation to allocate state-funded resources and services for survivors of trafficking. NAPAWF's California Policy Committee supported the legislation and worked

tirelessly with ally organizations to advocate for its passage. Under the new law, undocumented survivors of human trafficking, domestic violence and other serious crimes are now eligible for social services and benefits similar to refugees who resettle in the United States.<sup>124</sup> The legislation is survivor-focused and provides state resources to support survivors as they wait for T visas and certification from federal agencies. Survivors are not required to participate in the investigation or prosecution of their trafficker in order to be eligible for these services and benefits. However, the state must first make a determination about whether the survivor endured a trafficking situation or other crime.<sup>125</sup>

Although more than half of all states in the country have passed their own anti-trafficking criminalization statutes, it is still too early to tell whether these laws effectively support survivors and discourage trafficking. Many advocates have expressed concern that these state laws have not resulted in many prosecutions or hindered trafficking patterns overall.

#### Washington State Anti-Trafficking Response Network

WARN was created in 2004 in response to the rising occurrence of human trafficking in Washington State and to continue the work of API women leaders and activists who had created a strong anti-trafficking network. The program is modeled after the Trafficking Response Team, a community-based program developed by community members and the Asian and Pacific Islander Women and Family Safety Center. WARN consists of two ethnic-specific community-based organizations and one refugee resettlement agency. WARN provides comprehensive services, including access to food and housing services, legal and immigration advocacy, physical and mental health services and education and job readiness training.<sup>123</sup>

#### City Ordinances

Labor regulations and protections are critical to protecting workers' rights in the unregulated industries. For example, many garment factories are not monitored, which create opportunities for traffickers to abuse and exploit poor women, especially those who are undocumented, have limited English proficiency and/or are unfamiliar with their legal rights.

Fortunately, several cities have passed legislation to ensure sweatshop-free production of goods purchased from city vendors.

- North Olmstead, OH, was the first city to implement anti-sweatshop ordinances in February 1997. The ordinance requires city vendors to sign contracts stating that the products the city government purchases, rents or leases were not produced by the forced labor of children, adults or prisoners. City vendors must also guarantee that its employees work under safe conditions and do not work over 48 hours per week. Several communities in Ohio followed North Olmstead's lead and established anti-sweatshop ordinances.<sup>126</sup>
- In 2004, Los Angeles adopted the Sweat-Free Procurement Ordinance and Amendment to Contractor Responsibility. The city ordinance and amendment requires city vendors to attest that their products are sweat-free, their workers are paid a living wage and that the vendor disclose all of their manufacturing sites. The ordinance also assigns funding for a city enforcement officer and an independent monitor and creates an oversight committee.<sup>127</sup>

### Grassroots Organizations

Numerous domestic and international API organizations focus their work on trafficking in persons and address the issue from multiple angles, ranging from direct services to policy research. Domestic violence organizations, sexual assault agencies,

#### Organizational Highlight

Andolan — Organizing South Asian Workers is an organization that works to prevent abuse against domestic workers in the New York City area. Andolan is a membership-based group of domestic workers that engages in grassroots organizing and advocacy for low-wage and immigrant South Asian workers. The organization was established in 1998 in response to the exploitation that South Asian women faced as domestic, retail and hotel workers in the New York City area. Andolan provides social support to its members, particularly those with lawsuits against abusive employers and conducts campaigns for workers' rights.

human rights advocates and refugee services have also responded by providing culturally and linguistically appropriate services to trafficking victims they encounter in their work. Since trafficking is a complex, multi-dimensional, international and underground crime, trafficking survivors present characteristics and needs that overlap and fit into many areas of social services.

A trafficked individual may need immigration, legal, health and/or mental health services. Grassroots API organizations and policy advocacy groups play an important role in the response to trafficking by providing culturally appropriate direct services, community education, policy research and legislative advocacy that are sensitive to the particular needs of trafficked persons. No single agency can complete the task alone; API service providers must collaborate to help piece together existing services to provide trafficked persons with the unique blend of services they so desperately need.

The Washington State Anti-Trafficking

Response Network (WARN) is an example of how local organizations collaborate to create an effective and culturally appropriate community response to human trafficking.

Under federal anti-trafficking laws, law enforcement inadvertently plays a primary role in service delivery. Survivors of trafficking must receive law enforcement endorsement to be eligible for federal benefits. This policy is a barrier to accessing services for survivors and should be amended. However, under current law, developing strong and trusting relationships between community-based organizations and law enforcement facilitates timely service delivery to survivors. For example, the Seattle Police Department directs trafficking survivors to WARN to provide social services and housing and to prevent detention and prosecution.

Local grassroots organizing also leads to broader movement building. For example, in 2003, Domestic Workers United (DWU), a coalition of domestic workers and organizations that advocate for the empowerment and rights

of women workers, mobilized workers to testify at city council hearings in support of a law to protect domestic workers in New York City.<sup>128</sup> A study by Domestic Workers United and the DataCenter reported that although New York State labor law requires employers to pay domestic workers for their overtime hours,<sup>129</sup> 67% of workers do not receive it.<sup>130</sup> As a result of the advocacy and community organizing efforts of DWU,<sup>131</sup> the New York City Council passed New York City Local Law 33—commonly referred to as the “Nanny Bill.”<sup>v</sup>

The domestic worker rights movement is happening in other parts of the country as well. In Maryland, a coalition of organizations, led by CASA de Maryland, works with domestic workers and community members to advocate for domestic workers’ rights and protections.<sup>132</sup> In addition, in June 2007 at the U.S. Social Forum, 13 domestic workers organizations across the country formed a national alliance. The alliance will seek to strengthen local activism around the country and eventually build national support and policy changes for domestic workers.<sup>133</sup> ■

<sup>v</sup> The Nanny Bill mandates employment agencies to inform workers about the agreed-upon terms of their employment and their right to minimum wage, overtime, disability insurance coverage, unemployment payments and social security.



## IV Impact of U.S. Policies on the Anti-Trafficking Movement

United States anti-trafficking policies can have devastating consequences for other countries, particularly developing countries. For example, in 2003, the U.S. Congress passed the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003—commonly referred to as the Global AIDS Act—which mandates that all foreign non-governmental organizations

that receive U.S. funds refrain from harm-reduction activities, such as discussing or promoting abortion, prostitution or needle-exchange.<sup>134</sup> In 2004, the Consolidated Appropriations Act of 2005 imposed the Global AIDS Act restrictions to all foreign and U.S.-based organizations funded by the U.S. Departments of State, Justice and Commerce.<sup>135</sup> In addition,

the Trafficking Victims Protection Reauthorization Act of 2003 restricts U.S. Department of State anti-trafficking funds to those organizations that explicitly vow not to “promote, support or advocate the legalization or practice of prostitution.”<sup>136</sup>

This policy is referred to as the Anti-Prostitution Pledge and is similar to

### NAPAWF’s Position on Human Trafficking and Sex Work

The National Asian Pacific American Women’s Forum (NAPAWF) is committed to the advancement of social justice and human rights for all Asian and Pacific Islander women and girls. A critical component of social justice and human rights is an individual’s human right to make decisions that, given her circumstances, best meet her needs. NAPAWF supports a woman’s decision to enter sex work as a means of sustaining herself and her family. We are opposed to the exploitation of women and recognize that “prostitution” is grounded in patriarchal and sexist beliefs. However, we recognize sex work as a form of women’s labor within the context of her social, cultural, economic and political realities. We believe that if women and girls lived free from poverty and had access to broad economic and educational opportunities, then they would likely not be involved in the sex trade. Therefore, NAPAWF places emphasis on changing social, cultural, economic and political systems and challenging socialization patterns to broaden a woman’s range of economic opportunities.

NAPAWF firmly believes that human trafficking and sex work are not inherently connected, even though some cases of human trafficking involve forced sex work. Indeed, both trafficking and sex work are rooted in poverty, sexism, racism, heterosexism, violence, militarism, civil unrest and limited educational and economic opportunities.

Because of the U.S. government’s promotion of anti-prostitution policies, its tendency to conflate human trafficking and sex work and the deep-seated influence of the conservative religious lobby, NAPAWF is compelled to take a position against what we believe are ineffective, harmful and polarizing government policies. We realize that many organizations support our position, but cannot speak against these policies because of the risk of losing government funding. Instead, NAPAWF seeks to redirect advocacy efforts toward broader discussions that attempt to address the multiple and complex factors that have led to the proliferation of human trafficking.

We seek partnerships with organizations that share our philosophy around decision-making and dignity and understand the social, cultural, economic and political realities of women who are engaged in the commercial sex trade. We make a conscientious effort to avoid collaborations with organizations that disagree with our core ideology around human trafficking.

NAPAWF stands in solidarity with women who identify sex work as their labor and works toward creating a society where women and girls are free from social, economic and political oppression.

the Global Gag Rule.<sup>w</sup> In essence, the pledge requires organizations to explicitly oppose sex work to be eligible for federal funds for HIV/AIDS prevention programming.<sup>137</sup> Many public health organizations oppose this mandate because it is ineffective and politically motivated. Advocates believe the policy alienates individuals who seek services from these organizations and consequently puts their lives at risk.

Finally, many argue that the policy violates First Amendment free speech rights.<sup>138</sup> In 2005, DKT International, and the Alliance for Open Society International (AOSI) and Pathfinder International filed separate suits against the U.S. Agency of International Development asserting their First Amendment rights.<sup>139</sup> Two U.S. District Courts agreed and ruled that the Anti-Prostitution Pledge violated the free speech rights of public health non-governmental organizations.<sup>140</sup> Unfortunately, the U.S. Court of Appeals for the District of Columbia overturned the District Court's decision on the DKT case in February 2007 and ruled that the Anti-Prostitution Pledge did not infringe upon a private, non-governmental organization's right to free speech.<sup>141</sup> The case involving AOSI and Pathfinder International is still pending before the U.S. Court of Appeals for the Second Circuit.<sup>142</sup>

On the other hand, an increasing number of faith-based organizations receive significant funding from the

U.S. government to do anti-trafficking work in the U.S. and abroad, such as the International Justice Mission.<sup>143</sup> Conservative groups, like Concerned Women for America, even contribute to shaping the U.S. State Department's annual Trafficking in Persons Report.<sup>144</sup> Many of these groups focus their anti-trafficking efforts on forced sex work and not other forms of trafficking—a strategy and position the U.S. government supports and promotes. However, forced prostitution is only one of many forms of forced labor. To eradicate trafficking, advocacy efforts must address the multiple causes of all forms of trafficking.

### **Limitations of the U.S. Mainstream Anti-Trafficking Movement**

The anti-trafficking movement in the United States has become extremely politicized and polarized. The U.S. government's narrow focus on eliminating forced sex work and the demand for commercial sex acts reflects mainstream strategies and approaches to anti-trafficking work in the U.S. While it is an important piece of the work to end human trafficking, it fails to address other forms of forced labor as well as the underlying causes of all types of human trafficking.

The conservative religious lobby enthusiastically supports the eradication of sex work. As a result, human trafficking is often conflated with sex work.<sup>145</sup> A number of U.S. mainstream organizations also adopt this narrow

view of trafficking. They see sex work as the primary cause of human trafficking when, in fact, it represents less than half of all trafficking situations. A recent study found that 46% of people trafficked into the United States were forced to work in the sex industry while domestic servitude, agriculture, sweatshops and factories, hotel work and servile marriage accounted for the other half of trafficked persons (47%).<sup>146</sup> Identifying sex work as a primary cause of human trafficking is problematic because it ignores the fundamental root causes of trafficking: demand for cheap and compelled labor whether for sex, agriculture, domestic or restaurant work in destination countries; limited economic opportunities for poor women in source countries; discrimination; and violence and abuse.

Policy makers, advocates and community leaders must recognize the connections between human trafficking and other social justice issues. Many progressive organizations embrace a human rights framework to address human trafficking, which better captures the relationships and intersections among human trafficking and economic justice, reproductive justice and immigrant and worker rights. In short, it is impossible to tackle human trafficking in isolation from other human rights violations and the broader social justice movement.

Advocates who oppose the criminalization of women in sex work also

<sup>w</sup> The Global Gag Rule, also known as the 'Mexico City Policy,' prohibits U.S. government family planning funds to foreign non-governmental organizations that provide services, counseling or referrals related to abortion.

NAPAWF firmly believes that the debate between the legalization and criminalization of sex work ultimately harms trafficking survivors because it diverts attention away from the root causes of human trafficking. NAPAWF's efforts are grounded in a human rights framework that advocates against all forms of exploitation. The progressive API women's movement calls for anti-trafficking work to focus on survivors' human rights and to avoid the politicization of human trafficking that occurs when the debate is focused on the abolition of sex work. In addition, NAPAWF believes that trafficked survivors should not be discriminated against based on the type of labor they were forced to endure.

believe that women have decision-making rights to choose sex work as their livelihood, especially in light of the limited economic opportunities for women in source countries. The criminalization of sex work and the linking of "anti-prostitution" and anti-trafficking policies limit migrant women's mobility and restricts their freedom.<sup>147</sup> Advocates also believe that the criminalization movement may expose women to victimization by law enforcement officials and create an added layer of vulnerability and exploitation by enabling pimps to act as protectors.<sup>148</sup>

Advocates are increasingly encountering barriers to providing comprehensive services to survivors of trafficking because of government funding restrictions. For example, the U.S. Council of Catholic Bishops (USCCB) is the sole contractor with the U.S. Office of Resettlement for anti-trafficking programmatic funds for survivors and subcontracts with local community-based organizations to deliver services to survivors. The USCCB has created provisions in its contract that restrict the types of services grantees can provide survivors, such as

prohibiting grant recipients from discussing abortion and contraception with their clients<sup>149</sup> and furthering the the U.S. government's anti-prostitution policies. NAPAWF finds it problematic that non-governmental organizations have imposed religion-based provisions on federal funds. Policies like these further demonstrate the strong influence of conservative religious organizations on the U.S. government. ■





## V The Progressive API Women's Movement

SHIFTING THE CONVERSATION



Human trafficking is a complex issue. It is the result of global economic policies detrimental to developing countries, the degradation of poor women and women of color, strict immigration policies that limit the migration of women and intersects with other issues that impede the ability of women and girls to make choices about their health, employment and education. NAPAWF strives to create an anti-trafficking agenda that places these issues and the voices and stories

of women of color at the center of the dialogue.

### Globalization

Globalization has led to greater international exchange of capital, goods and information. At the same time, the rise of globalization has also encouraged the creation of structural adjustment programs (SAPs). SAPs are loan conditions developed by international financial institutions, such as the World

Bank and International Monetary Fund, that poor countries must adopt in order to receive financial assistance. In theory, SAPs help poor countries reduce inflation, promote exports and decrease budget deficits. In reality, these inflexible and unrealistic economic guidelines exacerbate the disparities between the rich and the poor. SAPs reduce government employment, deplete countries of their natural resources through export trade and diminish social safety nets by eliminating government-sponsored

### Rahela's Story

#### FROM EXPLOITATION TO EMPOWERMENT

"Rahela" was looking for work to help her family in Bangladesh. She found a job as a domestic worker for a family that operated a large business in New Jersey. With her visa in hand, she headed for the United States. Like many immigrants, Rahela hoped this was a way she could provide for her family by sending money she earned back home to Bangladesh.

When she arrived at her employer's home, however, she was forced to work 80 hours a week and endure verbal abuse. Rahela cooked for all 12 members of the family, cleaned the house and did laundry, shoveled snow and took care of two children. Rahela's family back home in Bangladesh received a mere \$100 a month for her services; she did not receive any of her wages directly.

In 1999, Rahela fled from her employer and found another job as a domestic worker with a family that lived nearby. The new family promised to pay Rahela better wages. Unfortunately, Rahela did not receive the wages she was promised and also suffered sexual abuse. When she pleaded with the employer's wife to stop the abuse, she threw Rahela out of the house.

Left on the streets of New Jersey, Rahela had a difficult time finding help because she had no money, knew no one and spoke little English. She eventually found her way to New York City, where she met a bus driver who introduced her to an Indian storeowner. The storeowner brought Rahela to Andolan – Organizing South Asian Workers, an organization that supports low-wage South Asian workers in New York City.

With the help of the community and Andolan, Rahela was able to find justice. She filed a lawsuit against both her former employers and received back wages for her work. Now she is a community leader and works with Andolan. She has helped other domestic workers caught in abusive situations find a way out. <sup>150</sup>



programs.<sup>151</sup> The impact on women in particular is profound. For instance, with few or no economic opportunities in her home country, a woman is more likely to migrate abroad in search of a better life.

### Impact of Race, Gender and Class

#### HISTORY OF ANTI-TRAFFICKING EFFORTS

The historical background of anti-trafficking efforts plays readily into current debates on trafficking. As capitalism spread across the world between 1850 and 1914, there was a sharp rise in the international migration of working-class men and women. Migrant men

were characterized as immoral, while migrant women were depicted as victims of forced sex work.<sup>152</sup> During this time, middle-class and wealthy communities grew concerned about the large number of women migrating abroad and referred to this movement of women as the “White Slave Trade.”<sup>153</sup> Fears that white, Western European and North American women were being coerced and forced into sex work spread rampantly.<sup>154</sup>

In response, the League of Nations<sup>x</sup> spearheaded an international campaign to stop the sex trafficking of women and children.<sup>155</sup> The campaign sought to police, criminalize

and eradicate sex work. However, advocates believe the campaign served as a means to control women’s mobility and sexual freedoms.<sup>156</sup> Ultimately, the United Nations passed the Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others in 1949.<sup>157</sup> The Convention focused on eradicating the international sex industry and not other forms of forced labor.<sup>158</sup> Western European and U.S. mainstream feminists held prominent roles in this early 20th century movement, advocating to “save their fallen sisters.”<sup>159</sup> Their prominence continues today as many partner with conservative religious organizations.

#### IMPACT OF RACE IN THE U.S.

Race continues to play a role in the anti-trafficking movement and impacts the value our government places on survivors of exploitative treatment. The inhumane practice of trafficking and forcing people of color into indentured servitude is not new in the United States. However, in recent years, trafficking has once again become a priority for many U.S.-based organizations, researchers, legislators and advocates. Women of color activists believe the sudden increase in attention to combat human trafficking through laws and resources is directly linked to the rise in the number of white women from Eastern Europe trafficked into sex work and abusive marriages.<sup>y</sup>

“She wants to be treated like a woman and she wants me to be a man. She will instigate wrestling matches with me to be assured that I am stronger than she is. She loves to be thrown onto the bed and kissed passionately. She has beautiful hair that I love to touch. Never has she complained that I am messing up her hair, even after just returning from the hairdressers. I wish that I had met her twenty years ago but she would have been only three years old.

Sexually she is totally responsive. Never says ‘I’m tired’ or ‘Not tonight, Dear.’ (Actually it’s ME who has to say this sometimes.)

She devotes her life to making me happy and of course I try my best to keep her happy too. I am convinced that I could never find anyone like her in the West. On the other hand, I believe that Yuyun is typical of the unspoiled girls that one will find here so, if this is the way that YOU would like to be treated, it can be arranged!”

Source: *An Asian Wife*, available at [www.an-asian-wife.com](http://www.an-asian-wife.com) (accessed January 25, 2008).

- x The League of Nations was the international organization prior to the United Nations to promote peace and international cooperation. United Nations, *About the United Nations/History*, available at <http://www.un.org/aboutun/history.htm> (2000).
- y The instability that followed the end of the Cold War impacted the rising numbers of trafficked persons from Eastern Europe. Céline Nieuwenhuys and Antoine Pécoud, 1675 *Human Trafficking, Information Campaigns and Strategies of Migration Control*, Vol 50 Num 12 *American Behavioral Scientist*, available at <http://abs.sagepub.com/cgi/reprint/50/12/1674> (2007).

For example, in October 2005, Lifetime Television aired a miniseries, entitled “Human Trafficking.” Unfortunately, the miniseries failed to depict the prevalence of trafficking in Asia and the Pacific Islands and how API women are disproportionately impacted. Rather, the film placed an emphasis on the trafficking of Eastern European women into sex work. Although part of the film took place in the Philippines, API women and girls were not acknowledged as a targeted group of victims. While NAPAWF commends Lifetime Television for raising this issue, we are concerned that this perpetuates the mainstream media’s portrayal of trafficking because it continually leaves out the racial, gender and class implications of trafficking and deflects the conversation from other forms of forced labor. See *Appendix II to read NAPAWF’s letter to Lifetime Television*.

Racial dynamics also play a role in bride trafficking. Men who use IMBs often seek API immigrant women based on the stereotypical image of API women as submissive, highly sexual and docile.

One survey of American men looking for foreign brides found that 94% of the men who patronize international marriage brokers were white, over 50% were highly educated and many were financially secure.<sup>160</sup> The same report noted that men who found

spouses through international marriage brokers viewed foreign women as “happy to be the homemaker and asks for nothing more than husband, home and family.”<sup>161</sup> In fact, some online companies offer tours to Asia, Latin America and Russia to give men the opportunity to “be exposed to hundreds of beautiful women who truly want to meet a man for love, romance and marriage.”<sup>162</sup> The same study found that couples who met through an international marriage broker were typically 20 to 50 years apart in age.<sup>163</sup>

The majority of the women listed in marriage “catalogs” are from developing countries, with a significant percentage from the Philippines, and most have limited access to economic and educational opportunities.<sup>164</sup>

### U.S. Immigration Debate

Race, gender and class also influence immigration policies. Strict immigration policies keep poor people of color from migrating legally into the U.S. Historically, these policies have been blatantly restrictive, like the Chinese Exclusion Act of 1882, which prohibited Chinese laborers from entering the country.<sup>165</sup> Nowadays, the U.S. simply limits the number of H-2B visas<sup>z</sup> for low-wage, unskilled workers. In 2004, the 66,000 annual cap for H-2B visas was fulfilled half-way into the fiscal year; in 2005, this cap was reached

within three months.<sup>166</sup> However, the number of allowable low-wage visas hardly meets the demand for cheap, unskilled labor. Thus, women and children often succumb to unsafe travel routes to enter the U.S. Furthermore, H-4 visa holders—dependents of H visas<sup>aa</sup>—are prohibited from employment authorization.<sup>167</sup> This can be problematic for spouses and children who are caught in a domestic violence situation, yet must depend on the principal visa holder for economic support.

Unfortunately, anti-immigrant sentiments are pervasive in today’s political and social climate and these sentiments influence federal, state and local policies. More than ten years after the 1996 “welfare reform” law barred lawfully present immigrants from accessing federal public benefits and services during their first five years in the U.S.,<sup>168</sup> the assault against immigrants continues. Despite public outcry, President George W. Bush signed the Secure Fence Act in October 2006, which authorizes the formation of a 700-mile fence along the U.S.-Mexican border to prevent migrants from unauthorized entry into the U.S.<sup>169</sup> However, the demand for low-wage and low-skilled labor beckons migrants in search of economic opportunities in the U.S. As long as dire economic conditions remain in other parts of the world, the migration

z H-2B visa holders usually take seasonal jobs in construction, health care, manufacturing, food service and hotel work. U.S. Citizenship and Immigration Services, *Current Cap Count for Non-Immigrant Worker Visas for Fiscal Year 2008*, available at <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=138b6138f898d010VgnVCM10000048f3d6a1RCRD&vgnnextchannel=91919c7755cb9010VgnVCM10000045f3d6a1RCRD>.

aa H-1, H-2 and H-3 visas holders are non-immigrant temporary workers.

of poor people will persist. Stricter immigration regulations only increase the likelihood that individuals will migrate unsafely and use traffickers to facilitate their travel.

The immigration debates of the 109th-110th Congresses encouraged many grassroots organizations and community members to oppose depictions of undocumented immigrants as “illegal” and activated communities of color to reclaim their human right to both safe migration and safe work environments. However, an unfortunate byproduct of the immigration debate has been the formation of a dichotomy between “deserving” and “undeserving” immigrants. Yet, undocumented communities are not the only beneficiaries of immigrant rights struggles. The immigrant rights movement is a contemporary civil rights issue framed within a human rights perspective that impacts all communities, particularly communities of color.<sup>170</sup>

### Human Trafficking and Reproductive Justice

Human trafficking intersects with other social justice struggles, including reproductive justice. NAPAWF believes that reproductive justice is achieved when all women and girls have the ability to make well-informed decisions about their bodies, health, sexualities, families and communities. Reproductive justice is connected to broader struggles for social justice and human rights.<sup>171</sup> There is

an inherent connection between human trafficking and reproductive justice, because trafficked women and girls encounter significant barriers to making well-informed decisions about their bodies and health.

Reproductive justice advocates use the term “reproductive oppression” to describe human rights violations that control women’s reproductive lives and exploit their bodies and labor as a way to oppress them “based on race, class, gender, sexuality, ability, age and immigration status.”<sup>172</sup> As such, trafficking of women and girls is the quintessential example of reproductive oppression.

Trafficked women and girls face increased risk of sexually transmitted infections, unintended pregnancies, forced abortions and denial of basic reproductive healthcare.<sup>173</sup> For example, women forced into sweatshop labor have limited access to reproductive health services, lack the support to make decisions about whether to have a child and limited ability to protect themselves from sexual harassment or assault. Some pregnant Chinese workers in sweatshops have been forced to get abortions or risk losing their jobs.<sup>174</sup> In addition, API women trafficked into the sex industry or trafficked persons who are sexually assaulted have access to very little, if any, information related to HIV/AIDS and sexually transmitted infections. They are also usually powerless to refuse men’s demands for unprotected

sex. Language barriers, lack of immigration status and lack of access to health and other support services only exacerbate the long-term health consequences of forced sex on the health and overall well-being of Asian and Pacific Islander women.<sup>175</sup> Finally, women and girls may suffer from depression, post-traumatic stress disorder and substance abuse because of the trauma of physical and psychological abuse.<sup>176</sup>

Trafficked children, particularly girls, also must confront an array of physical health issues.<sup>ab</sup> In a survey conducted by the United States Conference of Catholic Bishops, trafficked girls often suffer from sexually transmitted infections, lacerated cervixes, anemia, dental problems and substance abuse.<sup>177</sup> They may also experience mental health issues and present behaviors such as denial, eating disorders, irritability, aggression, difficulty communicating their needs and dependency.<sup>178</sup> ■

<sup>ab</sup> As of May 2005, 63 children have been identified as trafficking survivors in the U.S. and have received federally-funded benefits. United States Conference of Catholic Bishops, 1 *Care for Trafficked Children* (April 2006).



## A New Direction for Change

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In order to play an effective role in reshaping the discourse around trafficking, it is essential that the progressive women's movement cultivate a comprehensive, survivor-centered anti-trafficking agenda. In developing this agenda, we must examine the issues that make Asian and Pacific Islander women vulnerable to exploitation by human traffickers. These issues include unjust employment practices, victimization and discrimination. Our work cannot be done in isolation. Human trafficking is a multi-faceted issue that requires community-based organizations, grassroots activists, advocates, researchers, elected officials, progressive philanthropists and survivors to work in collaboration and support of one another's efforts. NAPAWF strives to build relationships with individuals, communities and organizations to change the direction of the anti-trafficking movement. The following set of recommendations is designed to assist community leaders, anti-trafficking advocates and policymakers advance anti-trafficking policies that embrace social justice, progressive feminist and human rights values to:

- Emphasize the links between race, gender, class and human trafficking
- Develop an integrated, survivor-focused anti-trafficking strategy
- Advocate for progressive and just immigration and migration policies
- Secure increased labor protections for vulnerable workers
- Expand community education and outreach
- Collect accurate statistics and investing in further research
- Build a progressive grassroots anti-trafficking movement
- Strengthen networks with international anti-trafficking activists



## 1. Emphasize the Links Between Race, Gender, Class and Trafficking

An analysis of race, class and gender on the lives of trafficked individuals should be at the center of the anti-trafficking debate. Because mainstream anti-trafficking advocates focus primarily on forced sex work, the movement has largely centered on the debate over the criminalization or legalization of sex work. This has created a great divide among advocates and diverted time, energy and resources from systematically combating all aspects of trafficking. NAPAWF questions the current focus on sex work, seeks to broaden the debate to examine why women of color constitute the majority of trafficking victims globally and aims to develop proactive, comprehensive solutions to address the root causes of trafficking. Shifting the discourse to a broader perspective that includes a race, gender and class analysis enables the movement to embrace a multi-faceted, comprehensive human rights approach.

### Recommendations

#### FOR POLICYMAKERS:

- » Ensure policies and funded research projects examine all types of forced labor and the root causes of human trafficking.
- » Identify and implement policies that address the negative impact of U.S. economic and immigration policies and their role in the proliferation of the human trafficking industry.
- » Collaborate with advocacy groups that provide ethnic-specific services to survivors to identify culturally appropriate policies that best serve survivor needs.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Develop training materials that analyze the various forms of oppression that trafficked persons experience.
- » Educate your organization and constituency about the disproportionate effects of human trafficking on women and girls of color and the types of labor they are forced into.
- » Support events that address trafficking from a holistic and broad perspective.
- » Build relationships with the media to challenge mainstream coverage of human trafficking that focuses only on sex and offer alternative perspectives that include discussions on all types of forced labor and root causes.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Write articles or op-ed letters for your local newspaper to challenge the mainstream, limited perspective on human trafficking.
- » Host a public forum, community briefing or education campaign to heighten awareness of trafficking of API women and girls.



## 2. Develop an Integrated, Survivor-Focused Anti-Trafficking Strategy

The Trafficking Victims Protection Act (TVPA) mandates that survivors meet four requirements to receive social services and legal immigration status, one of which includes a willingness to cooperate in the investigation and prosecution of the trafficker. The TVPA's focus on law enforcement measures deviates from a survivor-centered approach, which places the survivor at the center and prioritizes policies and services that attend to the needs of trafficking survivors. Over-emphasis on law enforcement and prosecution at the expense of survivor-related services is a severe shortcoming of the current anti-trafficking policy. The movement to eradicate human trafficking cannot rely on the criminal justice system alone; it must be done in tandem with other social justice movements.<sup>179</sup> A survivor-centered approach requires collaborative networks of social and legal service providers, health care workers, law enforcement and policy advocates to provide a full spectrum of culturally and linguistically appropriate services and support systems for survivors. To prevent trafficking, its root causes—such as poverty and lack of economic and educational opportunities—must be addressed.

### Recommendations

#### FOR POLICYMAKERS:

- » Support legislation that does not require the survivor to participate in the investigation and prosecution of her trafficker(s) in order to receive services and legal immigration status. Punitive policies may perpetuate the cycle of abuse and exploitation that survivors experienced from their trafficker(s).
- » Provide funding for direct social and legal services for survivors of trafficking.
- » Shift policy language from “victim” to “survivor.” The term “victim” negates a survivor’s sense of empowerment and self-determination. Often times, individuals who choose to migrate for work are considered ambitious and self-reliant in their communities.<sup>180</sup>
- » Support legislation that provides social services and benefits to survivors regardless of their immigration status.
- » Promote debt relief for developing countries that have high numbers of their nationals trafficked into the United States. This will minimize the “push” factors that force poor women and girls to seek work abroad through dangerous routes.
- » Repeal the Anti-Prostitution Pledge from HIV/AIDS and human trafficking federal funding requirements.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Provide opportunities for survivors to develop anti-trafficking programming that speaks to their needs.
- » Empower survivors to take leadership roles in your organization.
- » Hire advocates who are representative of survivor communities.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Conduct a letter-writing campaign to elected officials advocating for authentic survivor-centered anti-trafficking policies that facilitate access to social services and legal immigration status for survivors regardless of their participation in the investigation or prosecution of traffickers.
- » Write articles and op-eds in your local newspaper that look at the broader causes of human trafficking, such as economic disparities across the world, immigration restrictions, gender-based violence and lack of access to education.



### 3. Advocate for Progressive and Just Immigration and Migration Policies

Tightening international borders will not stop trafficking. The gap between the rich and the poor will continue to drive individuals to migrate for better economic opportunities, regardless of the danger involved. Wealthy countries such as the United States have a high demand for cheap and low-skilled labor, which attracts workers—inevitably poor migrants—who are unaware of their rights under existing labor laws. Adopting strict immigration policies only drives human trafficking further underground because tight limits on migration create opportunities for traffickers to facilitate the flow of labor from the Global South to the Global North.

#### Recommendations

##### FOR POLICYMAKERS:

- » Support fair and just immigration reform that promotes safe migration for low-wage employment in the U.S.
- » Enforce oversight of industries that employ immigrant low-wage laborers to ensure that employers do not abuse or exploit them.
- » Extend legal protections to documented and undocumented (im)migrant workers in unregulated labor sectors.
- » Grant employment authorization for spouses and dependents that accompany their husbands or parents to work in the United States. This enables financial independence and gives women the freedom to leave their husbands if they suffer abuse.
- » Support legislation that offers visa portability to nonimmigrant workers, which will allow workers to find new employment if an employer is abusive or exploitative.
- » Amend anti-trafficking and immigration policies to grant trafficked individuals legal status irrespective of their willingness to cooperate in law enforcement or legal investigations of their traffickers.
- » Oppose the militarization of all U.S. borders.

##### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Advocate for a fair and just immigration system that provides a path to citizenship for undocumented workers and a rational system to manage labor migration, including visa portability measures and protections for (im)migrant workers.
- » Form alliances with immigrant rights groups to bring the issue of migration and trafficking onto the agendas of both movements.

##### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Organize a letter-writing campaign at your place of worship or school to urge your elected officials to support fair and just immigration reform.
- » Join existing or organize campaigns with immigrant rights organizations to support (im)migrant workers.
- » Challenge negative mainstream perceptions of immigrants. Host a community forum to openly discuss your community's perspective of immigrants and the impact of U.S. immigration policies.





## 4. Secure Increased Labor Protections for Vulnerable Groups

The lack of legal protections for immigrants working as caretakers, agricultural workers and in small-scale factories makes them vulnerable to exploitation and abuse. For example, the National Labor Relations Act protects a worker's right to advocate for better wages and working conditions with or without a union, but it does not protect domestic or agricultural workers if they choose to self-organize or form, join or assist labor unions.<sup>181</sup> The Occupational Safety and Health Act also excludes domestic workers from the guarantee of a safe and healthy working environment.<sup>182</sup> In addition, in 2002, the U.S. Supreme Court ruled in *Hoffman Plastic Compounds, Inc. v. NLRB* that undocumented workers are not eligible for back pay under current law.<sup>ac</sup> This ruling severely curtails the federal legal remedies available to undocumented workers if they are fired illegally.<sup>183</sup> In addition, anti-immigrant groups and dishonest employers may seek to expand the meaning of the *Hoffman* decision to all immigrant workers.

### Recommendations

#### FOR POLICYMAKERS:

- » Support legislation that will provide labor protections for all immigrant and migrant workers regardless of industry or the worker's immigration status.
- » Fund labor law enforcement agencies to ensure full enforcement of existing labor protection laws.
- » Amend the National Labor Relations Act and Occupational Safety and Health Act to protect domestic workers and agricultural laborers.
- » Hold corporations accountable for hiring subcontractors that violate the rights of workers.
- » Pass legislation that overturns *Hoffman Plastics* and allows undocumented workers to seek back pay.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Advocate for labor and employment law reform to protect low-wage workers.
- » Support labor organizing efforts aimed at empowering workers to protect and advocate for their rights.
- » Push for more rigorous enforcement of minimum wage, overtime laws and fair working conditions for all workers, regardless of their immigration status.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Support and participate in grassroots organizations that mobilize domestic, agricultural and factory workers.
- » Be a socially conscientious consumer. Boycott businesses with ongoing labor disputes and those that do not support labor unions.
- » Conduct a "Know Your Rights" workshop for low-wage, immigrant and migrant workers in your community.
- » Support labor union campaigns advocating for low-wage workers' rights.

ac Under the National Labor Relations Act, "back pay" is defined as the wages a worker would have earned if s/he had not been illegally terminated. Rebecca Smith, Amy Sugimori, Ana Avendano, Ana Avendaño, Marielena Hincapiè, 5 Undocumented Workers: Preserving Rights and Remedies after Hoffman Plastic Compounds v. NLRB, available at <http://www.nelp.org/docUploads/wlghoff040303%2Epdf>.



## 5. Expand Community Education and Outreach

Human trafficking is a pervasive and underground criminal industry that targets poor women and girls in developing countries. It is estimated that 14,500 to 17,500 people are trafficked into the United States annually,<sup>184</sup> most of whom are from East Asia and the Pacific.<sup>185</sup> In addition to the trafficking of women and girls into sex work, many of them are trafficked into private homes, sweatshop factories, restaurants and hotels where they face physical and psychological abuse. Community members, legislators, law enforcement and first responders can play an important role in identifying exploitative situations and providing support and protection for trafficked individuals. In addition, organizations can expand their advocacy efforts by working with diverse allied organizations and linking trafficking to other social justice issues. Community education and outreach are key to combating the proliferation of human trafficking in the U.S. and around the world.

### Recommendations

#### FOR POLICYMAKERS:

- » Institute mandatory anti-trafficking training in law enforcement curricula.<sup>186</sup>
- » Support state and federal policies that allocate funding for education campaigns that address all types of human trafficking.
- » Partner with community-based organizations and activists from survivor communities who are active in the struggle to fight trafficking.
- » Provide funding for training programs for members of the judicial system.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Create educational materials that include information on all forms of trafficking.
- » Support community dialogue that identifies the root causes of trafficking, such as economic disparities, lack of education, strict immigration policies, gender-based violence and discrimination against communities of color.
- » Educate communities about the immigration assistance available to survivors of trafficking.
- » Develop multilingual outreach materials that will reach a wide audience in various communities.
- » Educate foundations about human trafficking and ask that they fund comprehensive, progressive anti-trafficking programs.
- » Build relationships with domestic violence, sexual assault, immigrant and refugee advocacy groups, labor rights organizers, agricultural worker organizations and reproductive justice advocates to help identify trafficking survivors and broaden social justice advocacy.
- » Develop and link human trafficking to other social justice issues in your anti-trafficking curriculum, including reproductive justice, immigration reform, immigrant rights and economic justice.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Break the silence in your places of worship, neighborhood organizations and local affiliations. Talk about the violence and exploitation that may occur in API communities.
- » Write op-ed articles in local newspapers about the impact of human trafficking in API communities.
- » Educate yourself about the anti-trafficking work and advocacy in source countries and the successful strategies they have employed to combat human trafficking.



## 6. Collect Accurate Statistics and Invest in Further Research

Accurate and unbiased data on trafficking are essential to effectively evaluate and reduce the frequency of human trafficking. Non-governmental organizations and government agencies provide vastly different estimates on the number of individuals trafficked into the U.S., the number of persons trafficked globally and the profits generated from human trafficking. For example, the U.S. Department of State estimates the profits from global trafficking amount to \$9.5 billion annually,<sup>187</sup> while the International Labour Organization approximates the annual profit at \$32 billion.<sup>188</sup>

Research should be comprehensive and should explore the underlying root causes and effects of trafficking. It should also focus on the unique impact human trafficking has on ethnic-specific communities, especially API women, who are disproportionately impacted by trafficking. Finally, researchers of color should be recruited to help integrate diversity and cultural competency in the research. Extensive and unbiased research is vital to the development of progressive social justice agendas that address the needs of trafficked API women and girls and the causes of human trafficking.

### Recommendations

#### FOR POLICYMAKERS:

- » Provide funding for API-led organizations to conduct culturally relevant research in API communities that explore race, class and gender dynamics and the impact of economic and immigration policies on source countries and the trafficking industry.
- » Direct government agencies that collect data on human trafficking to disaggregate information by race, ethnicity, gender and type of forced labor.
- » Support research that specifically analyzes human trafficking in Pacific Islander countries and communities. The exclusion of Pacific Islander women and girls in existing research makes it difficult to assess the extent of the problem within Pacific Islander communities.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Develop culturally appropriate and survivor-focused methods to collect qualitative and quantitative data from service providers and survivors.
- » Work with diverse organizations to collect information from a broad sample of providers and survivors.
- » Collaborate with community-based organizations to ensure that the research is conducted in a respectful and culturally and linguistically appropriate manner.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Support community-based research projects to assess the impact of trafficking in your community. Your support will give credibility to the study and help establish trust among researchers and community members.
- » Write letters to your elected officials and urge them to support research that gives equal attention to all forms of forced labor and focuses on ethnic-specific communities, i.e. API women and girls.



## 7. Build a Progressive Grassroots Anti-Trafficking Movement

An effective grassroots anti-trafficking strategy addresses specific needs and concerns of a community and engages individuals to take an active role in improving services and policies that impact them.<sup>ad</sup> It focuses on the empowerment and self-determination of survivors and builds a more credible movement by placing survivors at the center while maintaining their dignity and integrity. It also utilizes community outreach and education to further understand trafficking and build a broad base of support for more progressive policies. A grassroots, survivor-centered approach abandons the highly utilized model of “rescuing” or “saving” trafficked persons from enslavement.

### Recommendations

#### FOR POLICYMAKERS:

- » Partner with grassroots organizations to develop local, state and federal legislation that will address the impact of trafficking in the U.S. and internationally.
- » Consult with progressive anti-trafficking advocates when new opportunities arise to respond to or develop new policies.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Develop relationships with advocacy groups that are involved in anti-racist, anti-oppression organizing around human trafficking.
- » Human trafficking is interconnected with other social justice issues. Partner with community-based organizations that mobilize communities around reproductive justice, immigrant rights, labor rights, domestic violence and sexual assault.
- » Include trafficking survivors and immigrant and migrant workers in advocacy efforts in meaningful and respectful ways that protect their dignity and guarantees self-determination.
- » Allow communities represented by survivor demographics to identify the components and implement the direction of your organization’s anti-trafficking campaign.
- » Adopt NAPAWF’s guiding principles for your organization’s anti-trafficking advocacy efforts (see page ix).
- » Shift the anti-trafficking debate to include a race, gender and class analysis.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Encourage members of your organization to become active in local anti-trafficking campaigns.
- » Conduct educational forums on human trafficking at your place of worship, school or other affiliations.
- » Lead a community-based needs assessment in your community to identify the strengths and areas for improvement in efforts to address trafficking.
- » Identify community-driven activities to educate the general public on human trafficking.

<sup>ad</sup> An example of this is the Coalition of Immokalee Workers (CIW), who organized other laborers to protest exploitative practices used by tomato growers. CIW is well known for organizing a nationwide boycott of the Taco Bell fast food chain that bought large amounts of tomatoes from these growers.



## 8. Strengthen Networks with International Anti-Trafficking Activists

U.S.-based advocates can effectively challenge human trafficking when they build strong partnerships and networks with international anti-trafficking non-governmental organizations and Asian and Pacific Islander activists currently engaged in anti-trafficking advocacy in their home countries. Organizations like Global Alliance Against Traffic in Women have been doing this type of collaboration for many years. These partnerships provide opportunities to work with activists who have a vast body of knowledge and a long history of combating trafficking. Working alongside organizations in other countries to develop advocacy strategies may counteract some of the negative effects of the U.S. government's global anti-trafficking and foreign policies such as the use of U.S. sanctions as directed by the Trafficking Victims Protection Act. The Trafficking in Persons Report lists countries' tier placement and those that are sanctioned. Such sanctions alienate foreign governments and do little to uncover and address the root causes of trafficking.

### Recommendations

#### FOR POLICYMAKERS:

- » Participate in delegations to other countries to learn about successful survivor-centered anti-trafficking programs and campaigns.
- » Identify anti-trafficking policies in other countries that can be replicated in the U.S.
- » Eliminate the tier placement system within the Trafficking in Persons Report and its sanctioning of foreign governments.
- » Identify alternative and diplomatic methods to encourage countries to develop anti-trafficking legislation and programs.

#### FOR ADVOCATES & ALLY ORGANIZATIONS:

- » Learn about the holistic approach of anti-trafficking activists abroad, particularly the work done in various parts of Asia.
- » Build relationships with foreign non-governmental organizations who are leaders in the international anti-trafficking movement.

#### FOR COMMUNITY LEADERS & NAPAWF MEMBERS:

- » Encourage community members to become involved in and help facilitate relationship-building between U.S.-based organizations and advocacy groups abroad, especially in community members' home countries.
- » Participate in solidarity trips to other countries with innovative and grassroots anti-trafficking campaigns. ■



## Appendix 1: United Nations Definition of Human Trafficking

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”<sup>189</sup>





## Appendix 2: Letter to Lifetime Television

November 22, 2005

Ki Mae Heussner  
Manager, Public Affairs  
Lifetime Television  
309 West 49th Street  
New York, NY 10019

Dear Ms. Heussner:

I am writing on behalf of the National Asian Pacific American Women's Forum (NAPAWF), a national advocacy and membership organization committed to building an Asian and Pacific Islander (API) women's movement among those who believe in advancing social justice and addressing the concerns and increasing the rights of API women and girls. Because human trafficking greatly impacts our community, where one-third of all persons trafficked globally are from Asia, our members and staff have educated communities and policymakers and worked with advocacy organizations around the country to address the issue of human trafficking.

On October 24 and 25, 2005 and subsequent replays of the miniseries on later dates, our members across the country watched the Lifetime miniseries "Human Trafficking" and were deeply disturbed. While we applaud your efforts to raise public awareness about human trafficking, we find it disempowering for survivors and advocates to inaccurately represent the prevalence of the problem in Asia or the true dimensions of trafficking. The miniseries falls short of providing a comprehensive and accurate picture of global human trafficking, and, in some instances, misleads the American public by: (1) ignoring the fact that the largest number of persons trafficked into the U.S. are from Asia; (2) disregarding the work of Asian women-led non-governmental organizations; and (3) sensationalizing sex trafficking over other forms of human trafficking.

We express deep concern with the dominant portrayal of white women as trafficked persons in the miniseries. The miniseries focuses exclusively on the trafficking of Eastern women and a U.S. white girl and places them in lead roles. The miniseries completely neglects a sizeable group of those trafficked, most notably Asian women. It is not clear why Lifetime chose to highlight only one segment of the global population impacted by human trafficking, even when part of the miniseries takes place in the Philippines. There are thousands of Asian women trafficked in and out of the region and into the U.S., yet Lifetime failed to highlight their stories and struggles. We dare to guess why Lifetime deliberately chose not to cast Asian, API women or women of color in these roles, nor highlight the impact of trafficking on these women, given that Asian women comprise the majority of persons trafficked into the U.S.

In addition, the miniseries involves the portrayal of a white advocate in the Philippines rather than highlighting the work of Asian women in the region. This portrayal omits the obvious fact that in the Philippines there are many nonprofit advocacy groups led by Asian women. In fact, Filipino women-led organizations, along with many other Asian and women of color organizations, have been actively fighting to end human trafficking for decades both in the U.S. and Asia. By failing to highlight the work of these organizations, Lifetime diminishes their accomplishments and marginalizes their efforts. Moreover, the miniseries perpetuates the notion that "white women" are saviors, a notion against which women of color and foreign women in the women's movement have struggled.

Finally, we are concerned that focusing solely on sex trafficking misrepresents the extent and degree of trafficking worldwide. The miniseries reinforces the perception among the American public and mainstream media that forced prostitution and sexual exploitation are the only forms of trafficking. The over-emphasis on forced sex work disregards the thousands of people trafficked and forced to work in American homes as domestic servants and servants in servile marriages to American men and garment and farm workers. An International Labour Organization study cites that, globally, “less than half of all trafficking victims are part of the sex trade” and the most recent State Department statistics show that the majority of persons trafficked are from Asia. Trafficking has direct links to unfair trade and economic policies that impact source countries for trafficking. Focusing solely on sexual exploitation sensationalizes human trafficking and minimizes the impact of labor trafficking on the most disadvantaged members of our society.

In our opinion, the miniseries does a disservice to the advocacy efforts of many organizations around the country led by courageous women of color and to the lives of Asian women/women of color who are caught in the unfortunate web of human trafficking. We understand that Lifetime conducted interviews with a number of advocacy organizations prior to and during the production of the miniseries. We assume through information gathered in these interviews that Lifetime attempted to give a more accurate portrayal of this issue. Despite these interviews, the miniseries perpetuates the same message many advocates have received from the U.S. government: that combating human trafficking became a top priority for this country only after Eastern European women were found to be trafficked.

We seek a meeting with Lifetime to further discuss our concerns. We hope to work with Lifetime and be a valuable resource for future endeavors Lifetime undertakes around human trafficking advocacy/public awareness. In addition, we have fact sheets and a statement of principles of how we conduct our advocacy work in human trafficking on our website at [www.napawf.org](http://www.napawf.org). My staff and I will be in New York for other meetings on Thursday, December 8 and Friday, December 9, if you are available. We look forward to speaking with you. You can reach us at (202) 293-2688 or by email at [kahuja@napawf.org](mailto:kahuja@napawf.org).

Sincerely,

Kiran Ahuja  
Executive Director

*Revised March 2008*

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