

**Statement of
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Trafficking in Persons in East Asia and the Pacific

Chairman Smith, Ranking Member Payne, and distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today to testify on trafficking in persons (TIP) in East Asia and the Pacific. I would also like to thank the Committee for its leadership on advancing dialogue on this important issue.

The scourge of human trafficking and modern slavery reaches into every corner of the globe, but perhaps nowhere more so than in East Asia and the Pacific. According to the International Labor Organization, the incidence of forced labor and sex trafficking is higher in the Asia-Pacific region than anywhere else in the world. And according to the United Nations Office on Drugs and Crime (UNODC), victims from Asia are trafficked to the widest range of destinations around the globe. In addition to being trafficked overseas, many victims are trafficked within their own countries. In fact, the UNODC reports that most trafficking is national (not international) and is carried out by traffickers whose nationality is the same as their victims' and within national borders.

The most commonly identified form of human trafficking is sex trafficking, defined as the act of coercing, forcing, or deceiving a person into prostitution, or keeping a person in prostitution through coercion. Inducing a child into prostitution is also defined as sex trafficking under the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, even when coercion, force, or deception is not involved. Sex trafficking can also be the result of debt bondage, where women and girls are forced to stay in

prostitution until they are able to pay off the unlawful debts they have supposedly incurred through their transportation or recruitment. The ILO estimates that 79 percent of identified trafficking victims are women or girls. In most countries in the Asia-Pacific region, the trafficking of women and children for sex is a widely recognized problem, and the laws and regulations are targeted to these particular groups of victims. Other, less-recognized forms of trafficking, such as the trafficking of men and forced laborers, may be under-reported because current laws do not readily facilitate the identification of victims of these forms of trafficking or allow for the prosecution of their traffickers.

Countries should strive to combat all forms of trafficking using the three “P” approach: punishment, prevention, and protection. To that end, with regard to sex trafficking, there are many examples of governments in the Asia-Pacific region taking steps to combat trafficking using this approach.

In Indonesia, for example, the government has shown progress in punishing traffickers. At a two-day seminar on child sex trafficking held in Manado, Indonesia in October 2011, the head of the Police Women and Children’s Unit delivered a powerful presentation outlining the work her unit had accomplished on TIP, graphically demonstrating that despite limited resources, she was able to investigate and refer for prosecution dozens of cases, rescuing more than 100 TIP victims. From 2007 to 2010, her unit had worked on more than 66 cases involving 71 adult and 80 child victims, leading to the arrest of 96 offenders and the prosecution of more than 21 trafficking cases. Each year, the number of cases under investigation and the number of victims rescued has grown. On the prevention front, Japan has made great strides. At the peak of Japan’s trafficking problem in the middle of the last decade, entertainer visas provided the main means of entry for trafficking victims. The government’s TIP-cognizant screening procedures have vastly diminished the entertainer visa program; while about 135,000 entertainer visas were issued in 2004 alone, there were fewer than 11,000 foreigners in Japan on this type of visa in 2009.

In the area of victim protection, recent raids by Thai police have rescued sex trafficking victims from neighboring countries and Central Asia. And in Malaysia, the government recently allowed an independent assessment of its shelters for sex trafficking victims. As part of a regional

program funded by the Department of State's Bureau of Population Refugees and Migration to assess the needs of vulnerable migrants, the International Organization for Migration conducted a study of five government and NGO-run shelters and made recommendations to the Malaysian government. As part of this study, a local NGO also conducted a mental health assessment of trafficking victims in shelters. Although the studies found much room for improvement in caring for victims, the fact that the government allowed this independent assessment and formulation of recommendations is an important step towards confronting a crucial area of needed improvement with regards to victims' care and protection.

It is important for countries in the Asia-Pacific region to not only continue to fight the already widely-recognized problem of sex trafficking – and as I have just laid out, we have seen great progress in this fight in the region – but also to identify other forms of trafficking and ensure that there are laws in place to combat them. Countries should strive to prevent all form of trafficking, punish the traffickers, and protect the victims. The current trafficking trends we are seeing in the region – outside the realm of sex trafficking – especially involve forced labor in the fishing industry and for domestic workers.

Although countries in the East Asia–Pacific region continue to suffer from these abuses of human liberty and dignity, we must acknowledge the real progress that countries in the region have made in a relatively short amount of time to combat human trafficking. Since the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, also known as the Palermo Protocol, entered into force in 2003, the number of countries in the region to implement its provisions has more than doubled. Most anti- trafficking legislation in the region is recent, reflecting a newly understood need to adopt such legislation. According to a 2009 study from UNODC on human trafficking, 23 of the 27 Asian and Pacific countries that contributed information to the report had adopted anti-trafficking legislation, and 10 of those countries had passed new legislation or modified old provisions between 2005 and 2008, demonstrating the progress many countries in the region have made in the last few years. For example, Vietnam passed its Anti-Human Trafficking Law in March 2011 and is currently in the process of drafting decrees and circulars to direct implementation of the new law. In addition, earlier this year, Vietnam allocated \$13.5 million for the implementation of its five-year National Plan of Action for Trafficking. Allocation of funds from the state budget for anti-

TIP activities demonstrates a clear willingness to accept ownership of the issue.

The UNODC report also indicated that the number of convictions against human traffickers is increasing in East Asian and Pacific countries, probably as a result of these new and updated laws. Let me give you some examples. In recent years, the Royal Government of Cambodia has given increased priority to TIP-related cases within its judicial system. The Phnom Penh Municipal Court (PPMC) reportedly tried 118 TIP cases in the first nine months of 2011, compared to 116 in all of 2010. In addition, Cambodia's first case against an official accused of TIP-related corruption, Eam Rattana, is currently underway, with the trial expected to begin by the end of November. The ongoing case against a second official accused of TIP-related corruption is still under investigation.

The Government of Laos reported that during the 2011 TIP Report assessment cycle it investigated 20 trafficking cases and convicted 33 trafficking offenders. These results represent a dramatic increase from zero convictions.

In Thailand, the Department of Special Investigations is currently expanding its Anti-Human Trafficking Unit from 10 to 70 persons and is seeking to better address local-level corruption, which continues to affect efforts to successfully arrest and convict TIP perpetrators.

In Malaysia, police continue to rescue victims from traffickers, with over a hundred rescued since January. Most recently, police broke up a trafficking ring that brought women from Uganda under the pretense of work or study opportunities and then forced them into prostitution; on October 14, 2011, police rescued 21 women from this ring and arrested the suspected traffickers.

In Indonesia, Surabaya Metro Police arrested Afif Muslichin and Endry Margarini in January 2011 and charged them with trafficking underage girls via social networking connections. In July, the Surabaya State Court sentenced Afif and Endry to 3.5 years in prison for employing underage sex workers. At the same time, NGOs provided assistance to victims, including counseling, witness protection, and other services, and also persuaded the victims to return to school. Surabaya's government showed commitment in

response to this case; the mayor regularly visited the victims and provided them financial and psychological support.

In Burma, as the UN Special Rapporteur on the Human Rights Situation in Burma Tomas Ojea Quintana noted following his August 2011 visit, the government is undertaking a number of activities to combat human trafficking. In 2011, the Burmese Government extended its five year anti-human trafficking program up until 2016, increased anti-trafficking units in 22 to 26, and established a national telephone hotline.

And finally, the Government of Brunei announced plans in April 2011 to form an anti-TIP police unit and the completion of judicial proceedings in its first prosecution.

Now I would like to discuss some of the trends in human trafficking in the East Asian and Pacific region. Asian-Pacific governments across the region are working to combat these trends, and the Department of State and our embassies and consulates abroad are helping to support their efforts.

Let me begin with forced labor. Forced labor refers to work or service that is undertaken involuntarily by use or threat of force or serious harm. Such harm is generally either physical or financial, involving sexual or physical violence or restraint, but in some circumstances can also be economic such as non-payment of wages or debt bondage schemes. There can be many indicators of forced labor, including the withholding of workers' passports, implied threats of deportation, or threats of exclusion from community or future employment.

In recent years, many countries in East Asia and the Pacific that already had a strong infrastructure to fight sex trafficking have taken steps to recognize the problem of labor trafficking and to combat it. In Malaysia, for example, government officials have spoken recently in the press about the need to focus more on labor trafficking. On September 10 of this year, a senior Home Ministry official spoke to a leading daily about the fact that many cases of trafficking in Malaysia involve forced labor, not only commercial sexual exploitation, and about the need to address these cases.

The Malaysian government also recently launched a program to register migrants, one aim of which is to help the government curb worker

exploitation by gathering information on how many workers are employed in which sector and by whom.

In Taiwan, the Council on Labor Affairs (CLA) continued to operate 25 Foreign Worker Service Stations and International Airport Service Counters to assist migrant workers and educate them on their rights. Authorities also distributed handbooks detailing relevant laws and regulations on foreign workers to more than 190,000 employers and aired television commercials highlighting the rights of migrant workers. Officials also funded TV, radio, and newspaper advertisements and education programs raising awareness of the perils of trafficking.

In Vietnam, the government has increased efforts to sanction labor recruiting companies that engage in illegal practices and to provide pre-departure training for overseas workers to educate them about their legal rights, employment contracts, language and cultural information for the destination country, and contact information in the event a worker encounters problems.

Also in Japan, a government order regarding the Industrial Trainee and Technical Intern Program that entered into force in July 2011 banned the practices of requiring deposits from applicants to the program and imposing fines for “misbehavior” or early termination. The new rules require increased oversight of receiving companies and extend the protections of the Labor Standards Office to all participants in the program. There have not been reports, however, of the government’s prosecution of forced labor offenses committed with the trainee and intern program.

Also in the realm of labor trafficking, we are seeing more and more the need to protect domestic workers from abuses at the hand of their employers. There are millions of women who have entered or departed Asian-Pacific countries to work as domestic workers overseas. Because most countries exclude domestic workers from provisions in their labor laws protecting workers, domestic workers are very vulnerable to trafficking and have few remedies against exploitative work conditions. According to Human Rights Watch, domestic workers are also at increased risk of abuse because of many countries’ restrictive visa-sponsorship regulations that link their visas to their employers, giving employers control over workers’ immigration status and ability to change jobs if they face abuse.

Many countries in East Asia and the Pacific are working to expand protections to domestic workers. For example, on October 15 Cambodia suspended all new recruitment due to reports of labor recruiting companies engaging in illegal practices amounting to trafficking in persons in Cambodia, and over concerns over abuse of domestic workers in Malaysia. Active investigations into recruiting agencies for illegal trafficking are underway in Cambodia several arrests have been made, and there has been one prosecution. On September 21, the Phnom Penh Municipal Court sentenced a recruiting company employee to four years in prison for abduction and confinement of trainees. Furthermore, the Ministry of Labor has made assurances that migration for domestic work will not be reinstated until better mechanisms for control are in place. Ministry of Labor officials are currently working with international organizations and NGOs – and seeking assistance from the U.S. government – to write the regulations related to Cambodia’s new sub-decree on Migrant Labor. The Ministry of Labor hopes to use this suspension of new recruitment as leverage to convince Malaysia to sign a proposed Memorandum of Understanding with Cambodia.

In Indonesia, according to the Anti-Trafficking Task Force at the Attorney General’s Office, the District Court of Dompu, West Nusa Tenggara is adjudicating a high-profile case of trafficking involving a domestic worker who was sent to Saudi Arabia and abused by her employer. The director and an employee of the recruitment agency were charged with document and age-falsification under Indonesia’s anti-trafficking law. Prosecutors are seeking a six-year prison sentence.

East Asian and Pacific countries also face serious human trafficking problems within the fishing industries, where allegations of forced labor and abuses aboard commercial fishing vessels are frequent. In a 2009 survey from the United Nations Inter-Agency Project on Human Trafficking (UNIAP), more than half of the surveyed Cambodian migrants trafficked onto Thai boats said they had seen their captains killing one of their co-worker.

Most trafficked fishermen are placed on boats going to foreign waters, as it is easier to traffic workers who will be out to sea for longer periods of time. There have been recent reports of Burmese and Cambodian men being trafficked onto Thai fishing vessels. During her visit to Thailand in August 2011 at the invitation of the Thai government, the UN Special Rapporteur on

Human Trafficking, Joy Ezeilo, recounted the growing evidence of increased trafficking in the fishing industry in Thailand and stated that Thailand has long been a hub for human trafficking for the sex industry and forced labor.

Thailand has taken steps to address these problems, including passing an Anti-Trafficking in Persons Act in 2008, and establishing teams in every province in the country to fight trafficking. Sirirat Ayuwathana of the Thai Ministry of Social Development and Human Security, which is in charge of preventing trafficking within Thailand, has publicly announced that authorities are aware of and concerned about the problem and plan to set up a commission to work on registering all fishing boats and crew members. The Special Rapporteur acknowledged that Thailand had safeguards in place, but must implement them effectively.

There were also recent allegations of abuse from crew members of two South Korean-flagged foreign commercial vessels in New Zealand waters. The workers alleged they were forced to work under slave-like conditions and their wages were withheld. In response to these allegations, the Government of New Zealand acted swiftly, and launched a Ministerial inquiry in July 2011 to investigate the allegations and is expected to make its final report at the end of February 2012.

One of the keys to fighting trafficking in persons not just in Asia, but around the world, is increased international cooperation. As the traffickers globalize their operations and learn to cooperate with each other to increase their profits and stay ahead of their would-be prosecutors, governments must also work together and with civil society to fight trafficking. The Department of State recognizes the importance of working with host governments to support their efforts to fight TIP. Our embassies and consulates abroad coordinate with host governments and non-governmental organizations in a number of ways, from organizing conferences and training programs, to inviting experts and speakers to speak publicly to audiences, to sponsoring the exchange of information through the International Visitor Leadership Program and awarding grants to fund anti-TIP programs or campaigns. I would like to mention a few examples of our coordination with governments in the region to combat TIP.

In Singapore in August of this year, in conjunction with the Singapore Police Force, U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE HSI) sponsored a Trafficking in Persons and

Child Exploitation Workshop. Trainers for the event came from ICE HSI, U.S. Department of Justice, U.S. Department of State, Australian Federal Police, and Singapore's Attorney General's Chambers and included an academic consultant, Dr. Sallie Yea. There were over 50 attendees at the three-day training session, which included participants from the Singapore Police Force, the Trafficking-in-Persons Inter-Agency Taskforce, Immigration and Checkpoints Authority, the Ministry of Manpower, and the Ministry of Community Development, Youth and Sports. In addition to the government training, ICE HSI provided a three hour workshop for local non-governmental organizations that engage in anti-trafficking activities. Thirty attendees from three NGOs attended training focused on trafficking victim care and assistance.

In Thailand, a public-private partnership between USAID and MTV helped to raise awareness about human trafficking among nearly five million Thais using a June documentary titled "Enslaved"; establishing a creative youth forum, and holding a concert in Chiang Mai featuring some of Asia's most popular performers.

The ICE HSI Office of International Affairs Attache Office in Thailand works closely with police, local NGOs, and victims, to investigate and prosecute American citizens involved in trafficking, including for child sex tourism. In addition, the U.S. government funds programs implemented by NGOs and international organizations targeting trafficking prevention, protection, prosecution, and policy advocacy. The programs assist with capacity building, public awareness campaigns, protection and legal assistance for victims, creating alternative occupations for victims, operation of emergency shelters for victims, providing return and reintegration assistance, supporting the International Visitor Programs, and conducting research into labor recruitment, forced labor, and victim screening.

Our embassy in Kuala Lumpur recently co-sponsored a trafficking-in-persons reporting conference for journalists in Sabah, a critical area of Malaysia prone to trafficking. This successful training opportunity for journalists highlighted U.S. steps against trafficking and our support to Malaysian anti-TIP efforts. The embassy estimates that at least one million Malaysians viewed coverage of the conference in a variety of media outlets. The involvement of both Malaysian and U.S. officials in the training sessions also demonstrated our continuing commitment to partnering with the Malaysian government in its efforts. The conference provided

information and resources to increase journalists' capacity for more accurate and ethical reporting of TIP cases, emphasizing the role of the media and raising the level of public awareness surrounding these issues. Malaysian prosecution and investigation officials also highlighted such advances in anti-TIP efforts such as increased interaction and joint training with NGOs as well as interagency guidelines for enforcement, prosecution and protection officers.

China's ratification of the "Palermo Protocol" in November 2009 was a positive sign, although China has not yet completed all of the requirements, such as amending domestic law and legal definitions, it needs to meet its obligations under the Palermo Protocol. The government has created an overarching body, the Inter-Ministerial Office Against Human Trafficking, to better coordinate government strategy. Non-government organizations working on anti-trafficking in China report that the number of training programs for front-line law enforcement and those who work with victims is increasing. According to Chinese government statistics, prosecutions for human trafficking increased in 2010, as did the number of sentences of five years or more for trafficking-related offenses. China's law enforcement agencies are also expanding cooperation with other countries on cases involving foreign nationals in China and Chinese nationals abroad. United Nations Children's Fund (UNICEF) officials reported that the Chinese government had "fundamentally changed its considerations" by recognizing the full range of needs for children victimized by, or at increased risk of victimization from, human trafficking. Also, UNICEF officials spoke positively of the efforts by the Ministry of Civil Affairs, under its current model of victim care, to provide services to exploited children. The Chinese will publish their next five-year National Plan of Action next year that we hope will clarify their priorities and strategy for combating trafficking in persons.

Finally, at the fourth U.S.-ASEAN Senior Official's Dialogue on Transnational Crime on July 28 in Singapore, ASEAN officials reiterated their interest in collaborating on joint U.S.-ASEAN projects. I specifically mention ASEAN cooperation because I believe multilateral efforts to combat TIP are as important as bilateral efforts. We intend to continue working with ASEAN in the future to better combat this problem in the region.

In addition to ASEAN, we also see countries within Asia coordinating among themselves to fight TIP. For example, in March 2011, a delegation

from the Japanese Inter-Ministerial Liaison Committee on Trafficking In Persons visited Thailand and Cambodia, and established a Japan-Thailand Joint Taskforce on Countering Trafficking in Persons. A bilateral procedure on identification and repatriation of Thai TIP victims, the result of three years of discussions, was established and discussions of a mutual legal assistance treaty were furthered.

As you can see, the scourge of human trafficking is a problem affecting many countries in the East Asia-Pacific region, but steps are being taken through the region to combat all forms of trafficking in persons. We continue to work closely with our partners both in government and civil society to support efforts to eradicate this modern day form of slavery.

Thank you for giving me the opportunity to testify before you today. I am pleased to answer your questions.