

THE FOURTH “P”:  
COMBATING TRAFFICKING IN PERSONS  
THROUGH PUBLIC-PRIVATE PARTNERSHIPS

*Graduate Program in Intercultural Human Rights Forum*

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**STATEMENT**

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It is always a pleasure to return to St. Thomas University, and I am grateful to Monsignor Casale and the St. Thomas family for agreeing to host this event, and help continue to raise awareness about the problem, challenges, and solutions.

I can think of no better place for today’s forum, given the longstanding activism of your school on behalf of trafficking victims in South Florida, and around the world.

In 2005, the Law School’s Graduate Program in Intercultural Human Rights convened a symposium of governmental, nongovernmental, and academic experts that worked together to produce the Miami Declaration of Principles on Human Trafficking.

That important, consensus document celebrated its fifth anniversary earlier this year, and I appreciate the ongoing work of the Intercultural Human Rights program, under the leadership of Professors Siegfried Wiessner and Roza Pati.

I also remain grateful for Monsignor Casale’s expert testimony before the House Committee on Foreign Affairs in late 2007, as we were working on the Trafficking Victims Protection Reauthorization bill that became law the following year.

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To all of the students and faculty of St. Thomas University assembled here, I say: Thank you.

In its mission and its work, your school is a living witness to the immutable dignity of every person and the gravity of human trafficking.

Every year, hundreds of thousands of people are trafficked around the world, most of them women and girls.

They – and millions more trapped in coercive situations within their own countries – are forced to work in menial and dangerous labor and sexual servitude.

Of course, the tragedy of trafficking lies not in vast statistics, but in the individual lives, hopes, and dreams that are being crushed for a particular person, in a particular place, today:

The young Afghan boy sold into a male brothel in southern Iran;

The North Korean girl sold into a so-called marriage in northeast China;

The job-seeker lured to the United States by dishonest recruiters who promised her a lucrative job, but illegally hold her in menial servitude.

These are the slaves of the 21<sup>st</sup> Century.

The problem is not localized in any one place: Source, transit, and destination countries are scattered throughout the globe, and there are disturbing patterns of trafficking within our own hemisphere.

Ninety miles from our own coast, young Cuban boys and girls are exploited in a dehumanizing sex tourism industry that is used to draw travelers – and hard currency – from around the world.

An exposé in Spain's *El Mundo* newspaper earlier this year describes a grandmotherly madame trolling the resorts, offering 12-year-old prostitutes to visiting foreigners.

The chilling discovery of 72 Central and South American

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migrants shot dead three weeks ago in northeastern Mexico was a stark reminder of the deadly involvement of criminal and drug cartels in this human traffic.

Sadly, exploitation is not confined to those countries that share the Cuban regime's dismal Tier 3 status.

Just last week, the revelation of the largest human-trafficking case in U.S. history, involving hundreds of Thai farm workers in Hawaii, was a bracing reminder that trafficking is not some faraway problem that involves only developing nations.

It affects and involves industrialized nations just as significantly.

In the context of today's discussion, I want to spend my few minutes on the portion of the public sector that I know best – the United States Congress, and the Committee on Foreign Affairs, where I serve as Ranking Member.

I am proud of the initiative exercised by Congress.

Ten years ago, Congress, on a bipartisan basis, enacted the groundbreaking Trafficking Victims Protection Act (TVPA) in October 2000.

This occurred at a time when human trafficking was a non-issue for most governments worldwide.

Among other important provisions, that law instituted the State Department's annual Trafficking in Persons report and country tier rankings, which have since become important fixtures of the foreign policy landscape, as it makes a foreign government's efforts to combat human trafficking a key consideration for us in developing our approach to these countries.

The point of the trafficking law was not just to "name and shame" problem governments.

It was intended to provide incentives for those governments to change – to avail themselves of insights and technical assistance from donor countries and nongovernmental organizations that would actually help them combat trafficking.

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To that end, the original act authorized such technical assistance, and the latest reauthorization (in 2008) directed the President to establish such programs.

Thus, from the beginning, Congress has hoped to catalyze the type of public-private partnerships that many of today's speakers are focusing on.

Since the original Trafficking Act, more than 115 countries have enacted laws against human trafficking.

Of course, enacting a law is worlds apart from then enforcing it, and successful prosecutions remain a missing piece of the puzzle in many countries.

But even that incremental progress is significant, and should be welcomed.

I was honored to be a primary cosponsor and floor manager of the most recent reauthorization bill – the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.

That Act further strengthened the prosecutorial tools, and preventive and rehabilitative resources available to the United States Government in the fight against trafficking.

As with all prior trafficking bills, that law was strongly bipartisan (and in fact, my staff worked closely with Ambassador CdeBaca, who was then serving as counsel to Chairman Conyers of the Judiciary Committee).

Turning from the past to the future, I want to note a few upcoming issues.

During negotiations on the 2008 reauthorization bill, I insisted on retaining section 107, which was meant to put a stop to the use of the Tier 2 Watch List as a “parking lot” for problem countries, as a means for these countries to avoid the sanctions associated with Tier 3 status.

The original law required the United States to list governments in one of three categories:

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Tier 1: Governments that fully comply with minimum standards for the elimination of trafficking;

Tier 2: Governments that do not yet fully comply with minimum standards, but are making significant efforts to do so; and

Tier 3: Governments that do not fully comply, and are not making any significant effort to do so.

The so-called “Tier 2 Watch List” was an Executive Branch invention, inserted in between Tiers 2 and 3.

Although Congress later formalized a Special Watch List, it was intended to identify countries deserving of extra U.S. scrutiny during the next year, and not to supplant the three-tier reporting structure and accountability measures.

Unfortunately, during the past decade, the Tier 2 Watch List has basically become a fourth category, where some countries have remained parked for years, even though – in the estimation of many – their records have clearly justified a Tier 3 designation.

To take one example, China.

It has long been suspected that China’s perennial appearance on the Tier 2 Watch List has been the result of political maneuvering and objections by the State Department’s Bureau of East Asian affairs, which fears China’s response, and a potential diplomatic fallout that might result from a Tier 3 designation.

But the country tier designations must not become entangled with diplomatic niceties, or trade considerations.

Those designations are intended to speak the truth about a country’s efforts to combat trafficking.

Thus, next year – and, again thanks to the support of advocates such as those here today for Congressional efforts – countries that have been on the Watch List for two consecutive years will have to be listed in Tier 3, unless the President expressly exercises a carefully circumscribed waiver, which will expire at the end of 2012.

Looking ahead to the next Congress, the underlying bill will have to be reauthorized again, because the funding under the Wilberforce Act runs only through 2011.

I predict that – whoever controls the Congress – that effort will once again be solidly bipartisan, given the strong anti-trafficking sentiment on both sides of the aisle.

I look forward to working with my Democratic colleagues, with Ambassador CdeBaca and Secretary Clinton, and with the full array of anti-trafficking experts and NGOs on that reauthorization process.

In terms of additional legislation, I would like to take the occasion of this forum to announce that I will soon be introducing the Trafficking in Organs Victims Assistance Act.

Unlike the definitions used by some other governments and international organizations—and the first clause of the Miami Declaration on Human Trafficking—the U.S. legal definition of “severe forms of trafficking in persons” does not presently include the trafficking of persons for organ removal.

But with rising global demand for transplant organs, this horrific practice is a significant and growing problem.

For example, World Health Organization officials have estimated that around ten percent of all transplanted kidneys worldwide are obtained illegally.

The source of organs for tens of thousands of transplants in China cannot be properly documented, and there have been longstanding concerns regarding the claims about the voluntary nature of organ donations by executed prisoners.

There have been chilling reports of the abduction and transport of children for the purpose of harvesting their organs in countries as diverse as Afghanistan, China, and the Philippines.

Organ donors in places like Pakistan, Brazil, and Moldova are sometimes duped by false promises of large payments, or subjected to substandard medical care that leaves them scarred for life.

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The money involved has made organ-related trafficking a cash cow for international criminal organizations.

It is hard to conceive a more direct assault on human dignity than this life-changing form of brutality and organs as commodities.

For these reasons, my bill will put organ-related human trafficking on par with other severe forms of trafficking in persons, thus making it subject to similar reporting and sanctions – and eligible for anti-trafficking and victim rehabilitation assistance – under U.S. law.

While I am grateful for the work that Congress is able to do in setting general policy priorities and providing resources, our efforts are not the most important thing in the fight against human trafficking.

We are not the ones on the front-lines every day, working to identify and assist individual victims and stop the traffickers who abuse them.

I want to commend the State Department's Office to Monitor and Combat Trafficking in Persons for the expertise and commitment they have demonstrated under the leadership of Ambassador CdeBaca, and his predecessor during the last administration, Ambassador Mark Lagon.

But most of all, my hat is off to the law enforcement personnel, the legal aid clinic workers, the academic experts, and the array of committed NGOs, who have made it their mission to vindicate the rights of vulnerable and voiceless in South Florida and around the world.

You are the ones who look directly into the eyes of the men, women, and children victimized by trafficking, and provide the rest of us with the knowledge and the passion to make our own contributions to this noble cause.

Let us together continue our work to break the chains of human trafficking.

Thank you.