



HUMAN AND TRAFFICKING ASIAN & PACIFIC ISLANDER WOMEN AND GIRLS

WHAT IS HUMAN TRAFFICKING?

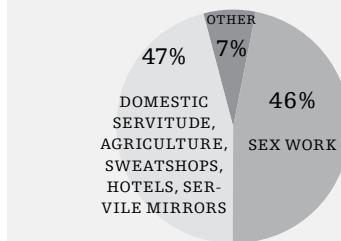
Human trafficking is one of the worst forms of exploitation and human rights violations with a magnitude so great that it rivals the illegal drug and arms trade, reaching nearly \$32 billion dollars a year in profit.¹ NAPAWF adheres to the definition of human trafficking adopted in a United Nations convention,² commonly referred to as the Trafficking Protocol of 2000.³ The UN definition has three core elements:

- Recruitment, transfer, harboring or receipt of persons,
- Use of improper means, like force, fraud or coercion, and
- Objective of exploitation through enslavement, indentured servitude or forced labor.⁴

The U.S. defines trafficking more narrowly. Under the Trafficking Victims Protection Act human trafficking is: (a) sex trafficking in which a commercial act is induced by force, fraud or coercion, or which the person induced to perform such an 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 force, fraud and coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.⁵ Although many trafficking cases involve sexual exploitation. The U.S. government's focus on sex trafficking is misplaced. Trafficked persons are often forced into many types of labor including

begging/peddling, construction work, packaging and food processing, mining, drug dealing,⁶ and military servitude.⁷ In fact, a study conducted by the Human Rights Center at the University of California at Berkeley found that a combined 47% of trafficked persons in the

U.S. Labor Sectors Trafficked Persons Forced Into



U.S. are forced into domestic servitude, agriculture labor, sweatshop factories, hotel work and servile marriages and 46% persons are forced into sex work.⁸

WHO IS BEING TRAFFICKED?

- Asian and Pacific Islander women represent the largest group of women trafficked into the United States.⁹
- Approximately two-thirds of trafficking occurs inter-regionally, most of which happens within East Asia and the Pacific.¹⁰
- The high number of women migrants from the Philippines, Indonesia and Sri Lanka into East Asia has resulted in an increase of unprotected entertainment and domestic work sectors. Without protection, these women become

vulnerable to trafficking, which is increasing in the East Asia region.¹¹

TRAFFICKING IN THE UNITED STATES

It is estimated that 14,500 to 17,500 people are trafficked into the U.S. each year. Trafficking survivors in the U.S. are mostly from Asia, Central and South America and Eastern Europe.¹² The following are a few examples of the many faces of human trafficking:

- Lakireddy Bali Reddy, a Berkeley landlord and restaurateur, came under investigation when a 17 year-old girl died of carbon monoxide poisoning in his apartment. In 2001, he was convicted of trafficking two teenage girls for forced sexual exploitation and restaurant labor.¹³ He was sentenced to 97 months in federal prison.¹⁴
- In the largest-ever trafficking case, *United States v. Kil Soo Lee*, 200 Vietnamese and Chinese garment workers were brought to American Samoa to work as sewing machine operators in a Daewoosa garment factory. The survivors, some of whom were held up to two years, were forced to work under harsh conditions including extreme food deprivation, beatings and physical restraint. Kil Soo Lee was sentenced to 40 years of prison and ordered to pay \$1.8 million in restitution to the survivors.¹⁵
- A Bangladeshi woman was brought to the U.S. to work as a live-in housekeeper for a diplomat working



for the United Nations in Manhattan. She was confined to the apartment, deprived of food and physically abused. With the help of Andolan, a South Asian worker rights' organization, she was able to leave her trafficker's home.¹⁶ The worker sued her employers and a settlement was reached outside of court. However, the employer declared diplomatic immunity and did not face any charges.¹⁷

- After being brought into the U.S. from the Philippines for a sham marriage to Eldon Doty, Helen Clemente was kept in indentured servitude from 1990 to 1993. During this time, Eldon and his former wife Sally continued to live as husband and wife. Helen was able to escape her exploitative situation; however, the Dotys turned Helen over to the then-named Immigration and Naturalization Services in exchange for immunity for themselves.¹⁸ Helen is still fighting her deportation case.¹⁹

WHY IS HUMAN TRAFFICKING AN IMPORTANT ISSUE FOR THE API COMMUNITY?

Asian and Pacific Islander (API) women compose the largest segment of persons trafficked into the United States.²⁰ This fact alone makes it crucial that a national organized Asian and Pacific Islander voice address the issue of human trafficking.

For example, race and gender play a large role in relationships facilitated by international marriage brokers. Men who use international marriage brokers often look for API immigrant spouses under the belief that their future spouse will fit the submissive and sexualized stereotype of API women. In some cases, women who enter brokered marriages end up in abusive or exploitative situations called "bride trafficking."

Many persons trafficked into the United States are coerced or forced to work in various types of labor, including sweatshops. Garment factories across the country, predominantly in Los Angeles, San Francisco

and New York, employ immigrant Asian and Latina women and other immigrant women of color. In Los Angeles alone, there are nearly 13,000 Asian women working in garment factories.²¹ Yet 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.²²

Many API women and girls are also employed as domestic workers in private households, and may be vulnerable to psychological, physical and sexual abuse at the hands of their employers. The risk of abuse is high for API domestic workers because they are often confined to the household, isolated from community support networks and lack knowledge about their rights. Furthermore, domestic workers are not protected under the National Labor Relations Act²³ and the Occupational Safety and Health Act.²⁴

For more information about human trafficking and API women, please see Rights to Survival and Mobility, our anti-trafficking action agenda.

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1 International Labor Organization (hereinafter "ILO"), 55 *A Global Alliance Against Forced Labour*, available at http://www.ilo.org/dyn/declaris/DECLARATIONWEB_DOWNLOAD_BLOB?Var_DocumentID=5059 (2005).

2 United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime* (2001) (hereinafter "UN Protocol"), available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf.

3 ILO, 46 *A Global Alliance Against Forced Labour*.

4 UN Protocol.

5 Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. No. 106-386, § 103(8).

6 ILO, 9 *A Global Alliance Against Forced Labour* (2005).

7 Coalition to Stop the Use of Child Soldiers, *Some Facts*, available at <http://www.child-soldiers.org/childsoldiers/some-facts>.

8 Free the Slaves and Human Rights Center, University of California Berkeley, 14 *Hidden Slaves: Forced Labor in the United States* (September 2004).

9 U.S. Department of Justice (hereinafter "DOJ"), 10 *Assessment of U.S. Government Activities to Combat Trafficking in Persons*, available at http://www.usdoj.gov/crt/crim/wetf/us_assessment_2004.pdf (June 2004).

10 Id.

11 June JH Lee, 167 *Human Trafficking in East Asia: Current Trends, Data Collection, and Knowledge Gaps*, Vol. 43.1-2 International Migration (January 2005).

12 U.S. Department of Health & Human Services, *Fact Sheet: Human Trafficking*, available at http://www.acf.hhs.gov/trafficking/about/fact_human.html (2004).

13 Matthew Yi, *Berkeley Landlord Jailed for 8 Years: He is to Pay \$2 Million to Victims*, San Francisco Chronicle, available at <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2001/06/20/MN157228.DTL> (June 20, 2001).

14 United States Attorney Northern District of California, DOJ, Press Release, available at <http://www.oig.dol.gov/public/media/lbred-dy.html> (June 21, 2001).

15 Civil Rights Division, DOJ, 1-2 *Anti-Trafficking News Bulletin*, Vol. 2, Issue 2, available at http://www.usdoj.gov/crt/crim/trafficking_newsletter/antittraffnews_aug05.pdf (August 2005).

16 Somini Sengupta, *An Immigrant's Legal Enterprise; In Suing Employer, Maid Fights Diplomatic Immunity*, New York Times (January 12, 2000).

17 Somini Sengupta, *Settlement Reached in Maid's Suit Against Diplomat*, New York Times (July 15, 2000).

18 Alex Tizon, *An Illegal Alien's Tale - Caught In a Web of Fraud and Dreams*, Seattle Times

(Aug. 1, 1999).

19 Sutapa Basu, 228 *Race, Culture, Psychology & Law* (Kimberly Barrett and William George, eds., 2005).

20 DOJ, 10 *Assessment of U.S. Government Activities to Combat Trafficking in Persons*, available at http://www.usdoj.gov/crt/crim/wetf/us_assessment_2004.pdf (June 2004).

21 Lora Jo Foo, 60-61 *Asian American Women: Issues, Concerns and Responsive Human and Civil Rights Advocacy* (2nd edition 2007).

22 U.S. Department of Labor, Employment Standards Administration Wage and Hour Division, *Only One-Third of Southern California Garment Shops in Compliance with Federal Labor Laws*, available at <http://www.dol.gov/Esa/Media/Press/Whd/Sfwh112.htm> (August 25, 2000).

23 Human Rights, *Legal Obstacles to U.S. Workers' Exercise of Freedom of Association*, Unfair Advantage: Workers' Freedom of Association in the United States under International Human Rights Standards, available at <http://www.hrw.org/reports/2000/uslabor/USLBR008-08.htm> (August 2000).

24 Human Rights Watch, 30 *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States*, Appendix III, available at <http://www.hrw.org/reports/2001/usadom/usadom0501.pdf> (June 2001).