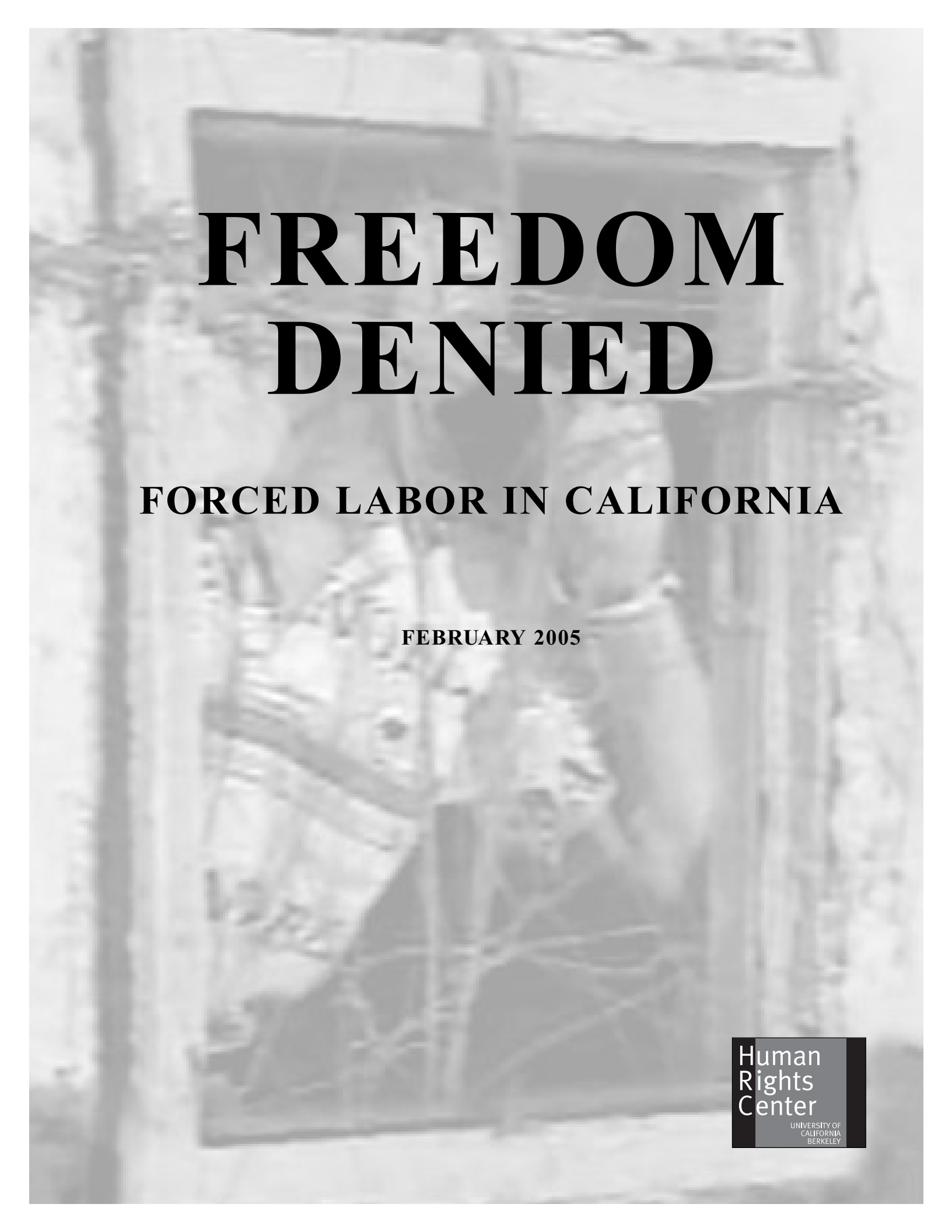




FREEDOM DENIED

FORCED LABOR IN CALIFORNIA

FEBRUARY 2005

**Human
Rights
Center**

UNIVERSITY OF
CALIFORNIA
BERKELEY

THE HUMAN RIGHTS CENTER, UNIVERSITY OF CALIFORNIA, BERKELEY

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Human Rights Center
UC Berkeley

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FORWARD

A century and a half after the Emancipation Proclamation, Americans should not have to be dealing with forced labor. But the responsibility of doing so rests on all of us. As this report makes clear, there are thousands of people laboring within our borders in shocking conditions, usually hidden from sight.

Globalization and the ease of international air travel and communications have opened up great opportunities for millions of Americans. But they have also opened up great opportunities for the exploiters of forced labor to bring people here from other parts of the world and, by means of fear, threats against their families, and sometimes actual physical constraint, to force them to work in ill-paid jobs as prostitutes, domestic servants, and sweatshop laborers.

As one of the half dozen largest economies in the world, California has a special responsibility to take a leadership role in eradicating forced labor. The federal government has made some important moves against forced labor, but the problem cannot be solved by federal legislation alone. States must also do their part, none of them more so than the nation's most populous, with hundreds of forced laborers in its midst.

California is a cornucopia, both for its people and for the world, but the goods that are produced here—from clothes to food to manufactured items—should be produced by men and women enjoying full human rights, not by people living in fear, with the fruits of their labor taken from them. This report lays out the problem of forced labor in California and calls on lawmakers in Sacramento to adopt legislation that will increase prosecution of perpetrators of human trafficking and forced labor, provide adequate protections and services to victims and their families, and establish a statewide coordinating agency to generate policies and programs aimed at eradicating this illicit trade.

— Adam Hochschild, author of *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves*

1. EXECUTIVE SUMMARY

Forced labor—defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”¹—is not something that happens somewhere ‘over there’ in the developing world. It is a significant and often overlooked problem right here in the United States. Our research suggests that at any given time, ten thousand or more men, women and children are laboring against their will as prostitutes, farm and sweatshop laborers, and domestic workers in the United States. The U.S. Congress has recognized the scope of the problem and, in 2000, adopted the Trafficking Victim Protection Act. But the federal government understands that more needs to be done, and it has urged states to close gaps in the law by passing their own laws to combat human trafficking and forced labor.

California is hardly a stranger to the issue—especially because forced labor flourishes in states with large immigrant populations. In recent years, the practice has spread to several areas of the state. Over eighty percent of the cases have been documented in the urban centers of Los Angeles, San Diego, San Francisco, and San Jose. The majority of those forced to work as modern-day slaves come to California from abroad—with or without valid travel documents. Others are U.S. citizens that have fallen into the clutches of traffickers. Whether foreigners or not, they are terrified of their captors and face uncertain futures should they manage to escape.

Our research identified 57 forced labor operations in almost a dozen cities in California between 1998 and 2003, involving more than 500 individuals from 18 countries. Thailand was the home country of 136 forced labor victims, with 104 and 53 arriving from, respectively, Mexico and Russia. American citizens comprise 5.4 percent of the total. Victims labored in several economic sectors including prostitution and sex services (47.4%), domestic service (33.3%), mail order brides (5.3 %), sweatshops (5.3%), and agriculture (1.8%).

Victims of forced labor often suffer severe hardships and deprivations. Their captors often subject them to beatings, threats, and other forms of physical and psychological abuse. They live in conditions of deprivation and despair. Their captors may threaten their families. Perpetrators exert near total control over victims, creating a situation of dependency. Victims come to believe they cannot leave. They are terrified of their captors but also fear law enforcement, a fear often based on bad experiences with police and other government officials in their countries of origin. Once victims escape captivity they confront a host of new problems. Obtaining safe shelter and legal employment are immediate concerns. Because so many survivors are strangers in a strange land, provision of comprehensive social services is needed to help them navigate from servitude to independent living.

In recent years, thanks to the new trafficking act, federal prosecutors have taken the lead in bringing perpetrators of forced labor to justice. But much more needs to be done at the state level to end this practice. California criminal law, in particular, needs to be reformed

to sanction modern traffickers and to train law enforcement to identify forced labor cases and to work appropriately with victims to gain their trust and cooperation in investigations and prosecutions. State law enforcement needs to coordinate their efforts with federal authorities to ensure that survivors promptly can access federal immigration benefits. In addition, prosecutors must act to protect witnesses and their families who reside overseas.

To eradicate forced labor in California, we recommend that the following measures be taken:

1. *The state should enact new criminal laws against forced labor.* California's criminal laws are not tailored to combat the practice of forced labor. The U.S. Department of Justice has proposed model state legislation which reflects the experience of law enforcement personnel who have investigated and prosecuted perpetrators under federal criminal law. California should review and adapt the model law so that state law enforcement can amplify federal efforts and bring greater numbers of offenders to justice.

2. *The state should train law enforcement and other first responders to identify and address forced labor.* Law enforcement personnel, health care providers, health and labor inspectors, and other first responders likely to encounter victims of forced labor should be trained to recognize the indicators of forced labor and how to intercede to liberate victims so that well-intentioned interventions do not jeopardize victims and their families.

3. *The state should create civil remedies for forced labor survivors.* Survivors of forced labor have been robbed of their earnings and their dignity. They should have access to courts to hold their perpetrators liable for the damages they inflicted upon survivors. The ability to file a private suit will allow survivors to control decisions about whether to pursue legal action and may help restore to them a sense of control over their lives.

4. *The state should increase access to social services for survivors of forced labor.* Safe housing and access to legal counsel must be made available to survivors. The state should provide funds to expand shelters dedicated to serving forced labor survivors. While only the federal government can provide immigration benefits to survivors, state law enforcement promptly should issue the appropriate certifications so that survivors can apply for federal relief. The state should fund medical care, legal assistance, job training and placement to support the recovery of survivors.

5. *The state should create a task force to develop policy to address human trafficking and forced labor.* A comprehensive response to forced labor involves many state and federal agencies, social service providers, legal advocates, researchers, and policy makers. The state should convene a task force to bring together stakeholders to identify gaps in the response to forced labor, develop guidelines to promote a consistent and survivor-centered approach to cases, and recommend policy to strengthen the state's response.

2. INTRODUCTION

The purpose of this report is to provide state legislators and policy-makers with information about the practice of forced labor in California. It describes what is known about the scope of the problem, examines the gaps that remain in efforts to combat it, and highlights aspects that should be addressed by additional state legislation. It addresses the need to strengthen criminal sanctions, improve training of law enforcement on how to identify trafficking and forced labor cases, and clarify procedures through which victims can receive appropriate social services and other benefits.

Definition and Scope of the Problem

Human trafficking and forced labor are problems associated in most people's minds with regions of the world far from the United States—notably Africa, Southeast Asia, Latin America, and parts of Eastern Europe. Because these modern versions of slavery are, by definition, underground activities, much remains unknown about the extent of the problem on the domestic level.

Hidden Slaves: Forced Labor in the United States, a report issued by the Human Rights Center at the University of California, Berkeley, and Free the Slaves, a nongovernmental organization, in September 2004 (hereafter the “U.S. Study”), noted that at any given time there are at least ten thousand individuals in the United States, most of them foreign nationals, who have been subjected to forced labor, the majority for periods between two and five years.² The U.S. Study found that between 1998 and 2003 incidents of forced labor had been reported in at least 90 American cities.³ The largest group of victims were Chinese (approximately 10,000); Mexican (approximately 1,500); and Vietnamese (approximately 250). Seventy-one victims were U.S. citizens.⁴

The terms “forced labor” and “trafficking,” while often used interchangeably, are related but somewhat different concepts. According to the International Labor Organization, forced labor is “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁵ Trafficking, in contrast, refers to the movement of individuals, most often across national borders but sometimes within a country, a state, or even a local jurisdiction, for purposes of forced labor, sexual exploitation or other forms of indentured servitude. Individuals who are trafficked have been coerced into leaving their homes or deceived about the nature and conditions of their employment.

Forced labor is most prominent in sectors of the U.S. economy that experience a large demand for cheap labor and an absence of rigorous monitoring of working conditions. Our research indicates that the largest number of documented cases in the United States were in prostitution (46.4 percent), followed by domestic service (27.2 percent), agriculture (10.4 per-

cent), sweatshop or factory work (4.8 percent), and restaurant or hotel work (3.8 percent).⁶ Forced labor operations were shown to flourish particularly in states with large immigrant populations, specifically Florida, New York, Texas and California.⁷

The U.S. Study found that victims of forced labor are often treated brutally—beaten, raped, even murdered—by their captors. They work in horrendous conditions and frequently suffer psychological as well as physical abuse. Their passports and other identification are frequently taken from them to increase their captors’ control over their movements, and they are often told that they will be arrested or deported, or their family members harmed or even murdered, if they contact the authorities or anyone outside the trafficking circle.

“[T]hey wouldn’t let us make any noise whatsoever,” recounted “Lucita,” a young Mexican woman who was trafficked into the United States in September 1998 to work as a prostitute in Los Angeles. “[W]e weren’t even allowed to look out the window. They threatened us. We were under constant threats that if we stepped outside, the police would pick us up, they would beat us up and throw us in jail.”⁸

After California law enforcement officials rescued Lucita, her traffickers warned her family in Mexico that she would be in danger if she cooperated in the investigation. “The woman who hired me in Mexico threatened my mother and told her that if I said anything up here she was going to make me disappear, that she would have me taken care of,” said Lucita. “She told my mother that if I said anything I would be sorry. It scared my mother very much. I was between a rock and a hard place.”⁹

International and National Law

After early efforts by the League of Nations and the International Labor Organization to abolish slavery in the early part of the 20th century, the first international agreement to specifically address human trafficking was the United Nations’ 1949 Convention for the Suppression of Trafficking in Persons and the Exploitation of Others.¹⁰ But the convention’s definition of trafficking includes only forced prostitution, making the agreement of little value in efforts to fight against non-sexual forms of labor exploitation.

In 2000, U.N. member states established a milestone agreement, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.¹¹ The document incorporated into the definition of trafficking the elements of movement of individuals, physical or psychological coercion, and exploitation, including not just prostitution but “forced labor or services, slavery or practices similar to slavery, servitude or removal of organs.”¹² The protocol also recommended that countries tighten sanctions on trafficking, take steps to reduce it, and provide support to victims.

The United States also took a major step forward in 2000 when it enacted the Victims of Trafficking and Violence Protection Act.¹³ The legislation strengthened criminal laws against forced labor and mandated that victims receive social and legal support as well as the right to remain in the United States if they cooperated with law enforcement. The law also included funding for both victim-protection programs and efforts to monitor trafficking activities overseas. The law explicitly differentiated between undocumented migrants, who cross the border of their own free will and are often deported quickly, and trafficked individuals, who are coerced or tricked into entering the country. Under the statute, the latter are to be viewed—and treated—not as criminals themselves but as the victims of a crime who must be accorded appropriate legal protections.

The law broke new ground in many ways. Its criminal provisions broadened the definition of trafficking-related coercion to include psychological duress and manipulation, and it outlawed the confiscation or destruction of the victim's passport or identity papers.¹⁴ Those and other changes have strengthened law enforcement's hand in building better cases against traffickers. The Act also created a formal process through which victims who agree to work with law enforcement in prosecuting perpetrators can receive T visas granting them temporary immigration status, allowing them to access social services, including housing and psychological counseling, even if they entered the country illegally. In 2003, the law was amended to allow state and local authorities to issue an endorsement, known as an LEA, of a cooperating victim's T visa application.

Still, gaps in the law remain. For one thing, it is up to the discretion of law enforcement officials to decide whether the victims have cooperated sufficiently to be certified for purposes of eligibility for immigration relief. Yet, in many cases, survivors are too terrified of their captors to collaborate with the authorities, especially soon after they escape or are rescued. In the case of a prostitution ring in San Diego broken up by federal authorities in January of 2001, all but one of 26 women and girls trafficked in from Mexico were arrested and deported because they felt too frightened to cooperate, said an attorney involved with the case.¹⁵

Even when victims do cooperate, obtaining that determination can be a bureaucratic, time-consuming and frustrating process, one that frequently leaves forced labor victims and their family members open to retaliation and revenge from gangs associated with their former captors. Thus it is imperative to train law enforcement to recognize and identify victims, as well as to encourage greater cooperation and information-sharing between local, state and federal agencies grappling with this problem.

The Need for State-Level Remedies

Notwithstanding the passage of the 2000 Trafficking Act, the U.S. government recognizes the need for state action to complement federal efforts. To that end, the Department of Justice has

proposed model legislation that can be adapted as needed to fit a state's circumstances.¹⁶ The U.S. Senate has approved a resolution encouraging states to enact such statutes.¹⁷ Local law enforcement personnel are even less familiar with the concept of trafficking and forced labor than federal authorities and are frequently far more likely to treat the victims as criminals who should be quickly deported to their countries of origin.¹⁸ California's effort to craft a legislative remedy would not only improve the legal situation for survivors of forced labor but would also help cast much-needed attention on the problem.

Many states already have laws on the books aimed at addressing trafficking-related crimes.¹⁹ Many of them, however, fail to respond to the realities of modern-day slavery. Local police and prosecutors in some states have no knowledge or understanding of the existing statutes and how they might be applied. California, for example, already has an involuntary servitude law, but it is under-used and in need of reform.

Study Methodology

This study is based on data about trafficking and forced labor in California gathered between November 2004 and January 2005. It also relies on the data collected during the course of the U.S. Study. These data sources include:

- a survey of newspaper articles reporting incidents of forced labor between January 1998 and December 2003;
- a telephone survey of 49 service providers involved in this arena;
- a review of reports published by the U.S. government regarding the number of forced labor cases it has investigated and prosecuted;
- a review of the United States and international laws regarding forced labor;
- open-ended interviews with key informants, including government officials; advocates, and service providers;
- four case studies of incidents of forced labor in California.

The California case studies are drawn from different economic sectors and geographic regions. Two cases come from the Los Angeles area and involve forced prostitution and domestic servitude. The third case involves sexual exploitation and forced labor in the San Francisco Bay Area. The fourth involves the debt bondage of agricultural workers from the Central Valley.

The Case against Lakireddy Bali Reddy: Sexual Exploitation in California

Lakireddy Bali Reddy, a California businessman, sexually exploited several young girls from his native village in India. Uncovered in January 2000, his sex and labor

exploitation ring spanned fifteen years and operated in India and California. He repeatedly raped and sexually abused his victims and forced them to work in his businesses in Berkeley, California, including a well-established Indian restaurant. Reddy pleaded guilty to criminal charges related to immigration fraud and illegal sexual activity and agreed to pay \$2 million in restitution to several of his victims.

The Case against Victoria Island Farms/JB Farm Labor Contractor: Exploitative Farm Labor in California

California asparagus harvesters, numbering in the hundreds, were forced to harvest the high-priced vegetable in substandard conditions for virtually no pay on the property of Victoria Islands, an internationally known asparagus grower, during the 2000 growing season. Hired by JB Farm Labor Contractor, the workers, recruited mostly from Mexico, were powerless to stop the huge deductions for transportation and other “debts” the employer deducted from their weekly paychecks. Some escaped during the season. Some of the workers filed a civil case against JB Farm Labor Contractor and Victoria Island Farms that resulted in the defendants paying the workers the wages owed them.

The Case against Supawan Veerapool: Enslavement of a Domestic Service Worker in California

In 1989, a Thai woman by the name of Supawan Veerapool, the common law wife of Thailand’s ambassador to Sweden, brought a domestic worker to Los Angeles to provide household support in her home. On arrival in the United States, Veerapool confiscated the domestic worker’s passport and then forced her to work twenty-hour days, six days a week until the victim escaped in 1998. Convicted on criminal charges in 1999, Veerapool was sentenced to eight years in prison.

The Case against Sammy Cheung: Forced Prostitution in Long Beach.

Beginning in September 1998, a Long Beach criminal ring recruited several women and girls from Mexico to work as prostitutes. The victims ranged in age from fourteen to twenty-two years old. The operators of the Long Beach brothel kept the victims under guard and forced them to work for free until Belize police freed the captives after raiding the brothel. In June 1999, based on the testimony of one of the survivors, the head of the operation, Sammy Cheung, pled guilty to charges of conspiracy and harboring illegal aliens. In June 2000, a court sentenced Cheung to 12.3 years in prison. With the help of extensive social and legal support, the survivor who identified Cheung as the ringleader later became part of a cooperative house-cleaning business.

3. FORCED LABOR IN CALIFORNIA

Demographics

Our research in California suggests that between 1998 and 2003 more than 500 people from 18 countries were ensnared in 57 forced labor operations in almost a dozen cities throughout the state. These cases of forced labor represent the only publicized incidents; we suspect the actual number is considerably higher. The largest number of foreign victims—136—came from Thailand, followed by 104 from Mexico, and 53 from Russia. Thirty forced labor victims, or 5.4 percent, were American citizens. Nationally, the U.S. Study data indicated that most victims came from China, followed by Mexico and Vietnam.²⁰

The economic sector in California reporting the largest number of cases was prostitution, which accounted for 47.4 percent of the cases. Domestic service cases comprised 33.3 percent. Sweatshop work accounted for only three cases (5.3 percent) but involved 143 victims (25.8 percent of the victims) (See Appendix A.). The survey data for California included only one case of agricultural labor involving two individuals. Our U.S. Study reported a similar percentage of forced prostitution cases (46.4 percent), slightly lower percentages of forced labor in domestic service (27.2 percent) and sweatshops (4.8 percent), but a higher percentage of cases involving agricultural workers (10.4 percent).²¹

Reported Country of Origin of Victims of Forced Labor in California	Number of Cases	Estimated Number of Individuals
Bangladesh	2	2
Cambodia	1	30
China ^a	4	20
Czech Republic ^a	1	0
India	4	12
Indonesia	3	5
Kenya	2	2
Korea ^a	3	11
Malaysia	3	8
Mexico ^a	7	104
Nepal	1	1
Philippines	3	14
Russia	2	53
Sri Lanka	1	1
Thailand ^a	8	136
Ukraine	1	29
United States ^a	5	30
Vietnam	1	20
Unknown	2	60
Specific Nationality Not Reported		
Africa	1	1
Asia ^a	1	0
Southeast Asia	1	15
Total	57	554
a: one or more cases had no individuals reported.		

Economic and Demographic Sectors in California	Frequency of Cases (not individuals)	Percent
Agriculture	1	1.8%
Domestic service	19	33.3%
Mail order bride	3	5.3%
Prostitution	27	47.4%
Sexual Abuse-children etc	1	1.8%
Sweatshop	3	5.3%
Other	3	5.3%
Total	57	100.0%



Incidents of forced labor are spread throughout California, although over 80 percent of cases are concentrated in three urban centers: San Francisco Bay Area, Los Angeles, and San Diego (See Appendix A).

Any research results on such a sensitive and hidden practice as forced labor will have inherent and unavoidable limitations. We acknowledge that newspaper survey data will inevitably reflect reporting errors and biases. For example, if a particular case is described in the media as smuggling instead of trafficking, or is not accurately described as a forced labor case, such a case will not have been picked up in the data set. Forced prostitution and other cases of sexual abuse may be over-represented because of extensive media interest in such cases relative to other forms of labor exploitation, such as occurs in the agricultural sector. And a lack of baseline data makes it impossible to evaluate whether our data are

representative of the situation as a whole. Notwithstanding these complexities, the data presented here clearly broadens our understanding of the overall patterns of forced labor in the state.

The true extent of forced labor in California is difficult to determine with great accuracy. Those involved in the field say that the numbers of reported incidents do not represent the totality of the problem. “It’s definitely an underreported crime,” said Heidi Rummel, a Los Angeles-based prosecutor with the U.S. Attorney’s Office.²² “It’s very hard to quantify because many victims are not willing or able to come forward. They have to escape or at least have an opportunity to make a phone call. And even if they have the chance to call, they rarely call the police or the FBI, they call a friend or a family member or a neighbor who speaks their language.”²³

Life-cycle of Forced Labor

The life-cycle of a forced labor case can usually be divided into five steps or phases: recruitment, journey, forced labor, release, and post-release. Each phase presents its own set of issues, circumstances and health risks, depending upon the country of origin of the victim and perpetrators, the sector of the economy, and the circumstances of the individual’s release from servitude.

Recruitment

Because California trafficking victims largely come from developing countries, they are unusually vulnerable to the promises—of a better life, greater opportunities, higher earnings and the chance to help their destitute families—that are offered by traffickers seeking to con-

vince them to leave their homes. Perpetrators are often people from the same village or town and may even be relatives or neighbors of the victims, and thus gaining their initial trust as the deception proceeds may not be difficult. Not surprisingly, the higher the level of desperation and need among the pool of potential recruits, the greater the impact persuasive strategies are likely to have.

Lakireddy Bali Reddy, for example, brought over teenage girls from Velvadam, his native village in the Indian state of Andhra Pradesh, with promises of employment at his businesses in Berkeley. A successful entrepreneur who immigrated to the United States in 1960, he eventually came to own more than 1,000 rental units in Berkeley, two Indian restaurants, a high-tech firm, and was worth an estimated \$40 to \$60 million, according to court records and key informants. He maintained a close connection with Velvadam and culled forced labor victims from among the destitute caste known as “the untouchables.” Some of the young girls he brought over had already worked for Reddy at properties he owned in his village, and the sexual exploitation he inflicted on them often began in India and continued once they arrived in California.

Trafficked and smuggled migrants enter California by several different modes of transportation, including aircraft, boat, overland vehicles, and on foot. Some enter with valid travel documents and still become ensnared in a forced labor situation. Khai, a Thai domestic service and restaurant worker, arrived in Los Angeles through legal channels in 1989. Her sponsor and captor, Supawan Veerapol, a well-connected compatriot, had promised to provide her with a job, transportation, and living costs. She promised to pay the young woman enough so that she could send money home to support her mother and two young children. Once Khai arrived, however, she soon discovered that Veerapol’s promises were lies. For the next nine years, Khai toiled as a domestic worker in Veerapol’s home under extremely coercive and abusive conditions.

Many forced labor victims arrive in California without travel papers or bearing fraudulent documents. Even if they realize that they are bypassing legal channels to enter the country, many victims believe that they have agreed to honest work in legitimate places of employment, not to virtual slavery in brutal conditions with no freedom to return home or to contact their families. Similarly, parents who turn their children over to traffickers may genuinely believe that they are giving their offspring the chance at a new life in the United States.

Journey

Depending upon the country of origin, the journey to California can take anywhere from a day to weeks or even months, whether across the border from Mexico or across several frontiers. The journey to this country can be dangerous, with dozens of people crammed into tightly confined spaces alongside cargo shipments, often with little air, terrible sanitation, and insufficient food and water. Death through suffocation, drowning, freezing, or starvation is not uncommon.²⁴

Poor and unsanitary living conditions during the journey can facilitate the spread of infectious diseases, including tuberculosis, malaria, and hepatitis, especially since such diseases are endemic in many of the countries of origin. To make matters worse, the traffickers often take away personal papers such as passports, travel documents, and letters of introduction as soon as the journey starts, rendering victims wholly dependent upon their captors and making any chance of escape that much more difficult. At this stage the traffickers may also start beating or sexually abusing the victims or threatening them or their family members back home with injury or death. These tactics are particularly effective against children or adolescents, who may already be terrified about being so far away from home.

Forced Labor

Victims of forced labor continue to depend on their traffickers for survival once they arrive in California. Victims often remain completely at the mercy of their captors for food, housing, money, and medical attention. They are usually kept in close confinement with other victims, forced to work long hours with few or no breaks in dangerous or inhumane conditions, and forbidden to contact anyone outside the trafficking circle. Dozens of victims may share filthy sleeping quarters with extremely limited washing and toilet facilities and poor quality food and water.

According to social service providers and law enforcement personnel, women and girls forced to engage in prostitution or sexual servitude are at great risk of contracting sexually transmitted diseases, including HIV, and other gynecological infections.²⁵ Pregnancy is not uncommon, since condoms are often dispensed with, and women may be forced to undergo—or may choose to have—abortions in unsafe and unsanitary conditions. Lucita, the Mexican woman trapped in forced prostitution describes her working conditions: “We worked 12 hours a day, from 11 in the morning to 11 at night. We never had a day off. We were given sponges to use during our menstruation. No matter if we were sick, we still had to work. We had to sleep in the same place where we worked.”²⁶

Forced labor victims are often treated as virtual slaves. Physical and sexual abuse, threats of injury, denial of medical treatment or food, and other forms of severe mistreatment are common. Poor nutrition and other physical deprivations often put victims at even greater risk of becoming sick with infectious or other diseases.

Khai, the domestic indentured servant in Los Angeles, experienced severe gastrointestinal pain at one point but was not allowed to see a doctor. “Supawan would not give me medications when I was sick,” she said. “She would not help me...I suffered from stomach pain for three months. Supawan refused to take me to the doctor. Finally, after I couldn’t take it anymore, Supawan brought me to a doctor. I had lost thirty pounds in three months.”²⁷

An American Survivor of Forced Labor

American citizens have been victims of force labor. Consider the case of Jennifer Harris, a young woman from Portland, Oregon. Four years ago, Jennifer was 16-years old and estranged from her family. She moved in with an older man she had recently met. At first, her new boyfriend wooed her and treated her well. So when he proposed that they go to San Francisco on vacation, Jennifer agreed.

While they were on the bus, she committed a serious error: "I was going to the bathroom on the bus, and my boyfriend said, 'Let me hold your wallet' [which contained] my ID, my bank card, my Social Security card, driver's license. He said, 'We don't want you to lose these to people on the bus.' Then he continued to hold them for the whole ride."

Once they arrived in San Francisco, he refused to return her documents, informed her they had no money and offered her a choice of how to earn some quick cash: either by selling drugs or by working the streets. Jennifer had never imagined herself doing anything of the kind, but she could think of no other way out of the situation. She could not call home because she had no home to call; she was completely cut off from her family.

"Everything from then on was like I was there but I wasn't there, I sort of disassociated," Jennifer says. "There were no other options. I had never been in San Francisco before. I had no idea where I was. There was no point in going back to Portland. There was no money there, and I had no place to live."

The man promised Jennifer that she would have to earn money that way for just one night. But the following night he forced to go out on the streets again, all the while telling her that it was the only way to pay for shelter and food. On her third night in the city, she was kidnapped at gunpoint by two men, driven to Oakland, and held there till the next day. By the time she managed to escape and find her way back to the hotel, her "boyfriend" had disappeared.

With no identification, no money, and no friends, she became terrified. She met another man near the Greyhound Station who took her in, wined and dined her for a couple of weeks, and promised her an easier life as an escort, not a prostitute. He introduced her to a few other girls, with whom she quickly felt a strong familial bond; the group shared an apartment and looked out for each other.

Within weeks, however, the man she was now with informed her she would have to start earning money by turning tricks, just like the other girls. She also learned of his reputation as one of the city's major pimps. Once again, she felt she had no alternatives, as there was no-one she could turn to for help. The pimp demanded that she earn at least \$1,000 a night; he would take it all and give her \$20 a day for food. He threatened her when she did not want to work. He hit her on occasion, and she heard from others about his brutal behavior toward girls who tried to leave him. She also believed that he had powerful connections at City Hall and was protected by the authorities.

"I thought about escaping all the time and was always trying to figure out how to do it," she recalls. "But I thought he would just find me and beat me up. I'd seen other girls getting hit with baseball bats. You see that and you know that could happen to you at anytime. And where was I going to go, anyway? The two times I tried, he found out where I was."

Jennifer finally escaped, but only through being arrested and sent to a juvenile home. Even removed from the streets, she remained frightened of the pimp. Through mutual acquaintances, he warned her not to tell police what she knew. She believed that he would harm or even kill her if she cooperated. While that fear has eventually subsided, she still runs into men and women she knew during her time on the streets.

"They still know who I am," says Jennifer, who is now 20 and works in San Francisco as a case manager and peer counselor at a nonprofit group that provides support and assistance for survivors of forced prostitution. For Jennifer, establishing a new life free of fear of her days of sexual servitude is still a work in progress.

Interview by David Tuller with Jennifer Harris (Feb. 2, 2005).

Farm laborers may be exposed to pesticides and other toxic chemicals as well as serious physical injury. In the summer of 2000, asparagus workers for Victoria Island Farms in the San Joaquin Valley were being housed at labor camps of around 50 workers each, but there were no health professionals at the site. And even workers who became seriously ill with flu and other ailments were not able to obtain proper medical care. One man suffered from a sexually transmitted disease, another from a hernia. Others experienced back injuries. Without medical guidance, one supervisor distributed packets of antibiotics to workers when a wave of illness swept the camp.

A common question asked about forced labor is why many—if not, most—victims do not try to escape. The answer is complex and multi-faceted. Those who work in groups are often under constant surveillance. Armed guards, for instance, reportedly patrolled the living premises at the asparagus workers' labor camp near Stockton, California to prevent the laborers from leaving. Since victims are often connected to the perpetrators through family or social connections in their native countries, threats to harm their families back home are an effective deterrent to escape. Juan, one of the asparagus farmers from Mexico, said that he refused suggestions by others that he try to escape because the work foreman, who was from the same town as him, knew how to find his family.

“I was afraid that he could probably attempt something against us, or against our families over there,” said Juan. When his brother-in-law managed to escape, the foreman told Juan: “Anyway, I know where he lives. One day I’m going to see him again. He has to go back to [his home town] and we’ll see each other over there.”²⁸

Perpetrators of forced labor frequently tell their victims that they will be imprisoned and beaten by U.S. authorities or summarily deported should they attempt to escape or contact outsiders, including the police—an argument that frequently conforms to victims' experiences and understandings of law enforcement practices in their countries of origin. “The traffickers tell them that they have connections with the police, or that the police will beat and imprison or deport them,” said Heidi Rummel, a federal prosecutor of trafficking cases in California.²⁹ “And many of the victims believe that because that’s their experience with police in their own countries. In addition, neighbors or others they encounter may know they’re working long hours or that they’re here illegally. But they don’t report the situation because they often have no way of knowing about the threats and abuse that make it a forced labor case.”³⁰

Another reason victims do not report their abuse is that they may feel a sense of shame about their circumstances or are unaware of services or benefits they could access upon their release from bondage. Since they often have not been paid for their work, they may have no money. Or they may recognize that, with their documents having been confiscated, it can be difficult to prove their claims to the authorities. Khai, the Thai domestic worker in Los Angeles, said Veerapol, the upper-class woman in whose house she worked, had warned her not to call the Thai consulate as she had many friends there.³¹

Victims often become psychologically dependent on their captors merely to survive in a strange land. By isolating victims and becoming their sole source of food, information, and communication from the world outside, perpetrators can often damage the victim's sense of self-hood and autonomy and render him or her incapable of independent action or even thought.

"In situations of captivity," writes psychiatrist Judith Herman, "the perpetrator becomes the most powerful person in the life of the victim, and the psychology of the victim is shaped by the actions and beliefs of the perpetrator."³² The methods of establishing control, she adds, are based on "the organized techniques of disempowerment and disconnection . . . [so as] to instill terror and helplessness and to destroy the victim's sense of self in relationship to others."³³ As victims become more isolated, they grow "increasingly dependent on the perpetrator, not only for survival and basic bodily needs but also for information and even for emotional sustenance."³⁴

Lakireddy Bali Reddy used techniques of disempowerment and disconnection to create dependency among the teenage girls he trafficked into the United States. Because of their age and low-caste status, the girls were already susceptible to the power and dominance of a higher caste male who was older than most of their fathers. Reddy frequently rewarded the younger girls with gifts and favorable treatment. If girls exhibited maturity, they would cease to receive such favorable treatment. Since Reddy was constantly bringing younger girls into his estate, it was to a survivor's distinct advantage not to "grow up." For this reason, according to one of the attorneys in the case, one of the survivor's psychological and emotional development has been grossly stunted.³⁵

Over a period of time Reddy brought his favorite girls to Berkeley, California to provide him with sex and to work in his restaurants and apartment buildings. Once in the United States, Reddy's control over the girls intensified—they were now in a foreign land under fraudulent circumstances where they did not speak the language or understand the customs. Housed in Reddy's apartments and fed at his restaurants, the girls were prevented from going to school and having contact with people outside of the Reddy network. To reinforce his control Reddy frequently beat the girls or threatened to turn them in to the authorities. One of Reddy's victims, a girl who had been brought to Berkeley at a very young age, exhibited a great loyalty to him. She, in fact, helped to hold down other girls while Reddy raped them. This ultimately caused some confusion for police investigators who apparently mistook her for a possible perpetrator and held her in jail for over a month.³⁶ Court records show that some of Reddy's victims still bear psychological scars, including depression, reoccurring nightmares, and panic attacks, as a result of their captivity, sexual abuse, and dependency.³⁷

Release

Despite their circumstances, some victims of forced labor do manage to escape on their own or are rescued by others. Liberation from forced labor generally happens in one of two ways:

the individual reaches out to someone who can help, or someone from the larger world stumbles upon the situation and informs the authorities or helps the victim escape.

When survivors finally contact the police or a social service agency, they usually do so out of a sense of desperation at the harsh treatment they have received rather than through an awareness that they have rights or have been victims of an illegal operation. The risk they are taking is tremendous, for if their effort to reach out is rebuffed and their captors find out what they have done, the consequences can be brutal, sometimes even fatal for themselves or their family members back home. “These people are clearly traumatized and fearful,” said Kathleen Kim, an attorney with the Lawyers’ Committee for Human Rights, who has worked with dozens of victims of forced labor.³⁸ “They are often extremely suspicious not only of the world at large but also of the advocates who are trying to help them. We need to make it easier to break through that wall of distrust.”³⁹

In some cases, a private citizen who suspects that something is amiss might contact authorities or a social service agency, or else directly approaches the trafficked individual. In the case of the Mexican agricultural workers trapped in indentured servitude in the asparagus fields, it was a local community member who for years had visited labor camps to distribute information to workers about healthcare, social service, and labor rights who assisted the laborers to escape. Sometimes social service or non-profit organizations involved in efforts to help migrant workers learn about a trafficking situation and convince those in servitude that they do have other options. If they can gain their trust, these organizations can help the victims escape, assert their rights, access the benefits and services they are entitled to, and take steps to punish the perpetrators.

Law enforcement are critical in the release phase. Khai, for instance has nothing but praise for the federal authorities who helped her. “The U.S. Attorney gave me a new life,” she said. “He delivered me, like a doctor delivering a baby, to a new life...Justice does exist. I have a different view now on law enforcement, the courts, immigration, and prosecutors.”⁴⁰

Notwithstanding Khai’s positive experience, many police officers, sheriff’s deputies, district attorneys, prosecutors and other government officials have little experience with trafficking and forced labor cases and may treat victims as illegal immigrants and undocumented workers rather than as survivors of a serious crime. Lucita describes her mixed experience with law enforcement during the investigation after the police raid that liberated her from the brothel: “The police sometimes made us more scared. Some of them told us that if we didn’t talk that they were going to lock us up in jail. ... I was very humiliated when they put those handcuffs on me. I felt like I had killed somebody or like I robbed somebody. I did feel very bad about that because I thought that I had fallen so low. But I’m also grateful to them because they didn’t take us to jail.”⁴¹ While the passage of the Trafficking Act in 2000 has helped to change the climate and raise awareness of the problem, it is clear that much training is needed before law enforcement personnel, at both the local and federal levels, learn to recognize forced labor situations and understand the rights of survivors.

Post-Release

Protection and housing are the most pressing needs for survivors of forced labor in the post-release phase. Immediate medical attention is sometimes necessary if the victim has suffered serious injury, illness or some other type of physical trauma, but often it is possible to postpone medical care until the individual or individuals have been removed from the forced labor situation and placed in an appropriate—and safe—setting.

However, as soon as the urgent concerns are dealt with, forced labor survivors need to be examined by a healthcare professional who understands the medical issues faced by migrant workers and the ailments that are common in the country of origin, said attorneys and service providers involved in trafficking cases. The conditions under which a person was held, along with the victim's own medical history, can greatly influence any decision about what kinds of health care services are required. Social and cultural factors can also significantly influence how the person responds to such care and treatment.

Attending to the psychological and emotional state of forced labor survivors is especially important to ensure their long-term recovery. Undocumented migrants have been shown to suffer from psychological disorders⁴² and the added impact of virtual enslavement is likely in many cases to be severe. In particular, the possibility of post-traumatic stress disorder, which may continue to plague victims for years and can manifest itself in a wide range of symptoms, must always be a major concern. Symptoms can include depression, anxiety, insomnia, nightmares, seemingly irrational outbursts, and problems with concentration.

The challenge is to provide treatment that takes into account the cultural differences, since standard Western approaches may confuse, offend or even alienate those they are intended to help. Nancy Hormachea, an attorney in the Reddy case from Berkeley, noted: "All the survivors had psychological issues, yet it has been nearly impossible to provide them with good therapy. Western-style therapy is foreign to them and not culturally appropriate...You have to understand that...[there] are derogatory sayings about people who seek [psychological] help [in the village] where these girls are from...they are seen as being 'crazy' and described as being like 'a chained, rabid dog.'"⁴³

Survivors of forced labor may face discrimination and rejection from members of their own community in California. Khai, the Thai domestic worker, found that once she managed to escape her indentured servitude, she was criticized by other local Thais as having betrayed the woman they viewed as her benefactor. "I felt that 80 percent of the community was against me," recalled Khai. "They regarded Supawan as a 'high soul'...I felt like I did the right thing. But in Thai culture, I am seen as ungrateful."⁴⁴

Because victims must agree to cooperate with law enforcement in order to obtain the right to stay in the United States, they face the possibility of experiencing renewed trauma if

they participate in court proceedings. Seeing the perpetrators again, having to testify under sometimes hostile cross-examination, being forced to relive details of their ordeal, and other aspects of being involved with a criminal prosecution can trigger psychological distress. How victims fare under such circumstances depends largely upon whether they currently feel they are in a safe and secure environment, how removed in time and distance they are from their period of enslavement, and whether their family members are safe from possible reprisal.

As a rule, forced labor survivors should not be placed in shelters for the homeless or with victims of domestic violence. Survivors have reported feeling extremely uncomfortable in homeless shelters, especially if fellow lodgers have substance abuse or mental health problems. Similarly, women liberated from forced prostitution have reported feeling shunned or discriminated against in shelters for domestic violence victims.⁴⁵ Such facilities are often poorly equipped to meet the needs of forced labor survivors.

Nalini Shekar, the director of a shelter in northern California which has housed both victims of domestic violence and trafficking, said that programs designed for domestic violence victims, such as support groups, may not be appropriate for trafficking survivors who have been socially isolated and under the control of a trafficker for a significant amount of time. Such shelters, she added, often lack adequate security measures to protect trafficking survivors from perpetrators, particularly if they are part of a highly organized, extensive, and well-financed trafficking network.⁴⁶ Many of Shekar's concerns were borne out in the Reddy case by the attempt of an intruder to break into the shelter and find two of the survivors. When Lakireddy Bali Reddy was arrested in January 2000 in Berkeley, for example, two men disguised as police officers, at least one of them armed, tried to enter the domestic violence shelter where two forced labor victims had been taken for protection.

The safety needs of survivors and their families extend beyond the state. It was also reported that relatives of some of the Reddy victims, who had remained behind in India, feared being targeted for revenge attacks. A few months later, a long-time adversary of Reddy in India was attacked with acid while he and his family were asleep at home. The man died of wounds sustained in the attack, and a five-year-old and a woman were also badly burned. When the Indian authorities began investigating the incident, a major witness was murdered.⁴⁷ Law enforcement in California will need to work with federal authorities to assist and perhaps relocate family members living abroad to protect them from retribution at the hands of traffickers and their associates.

On a long-term basis, survivors require services such as job training, counseling, and legal guidance. Some survivors need help locating family members in the United States or their country of origin or finding a stable living or housing situation. Some will require continued therapeutic interventions to help them cope with their trauma. Lucita, the Mexican mother forced to work as a prostitute, gained legal status with the help of social service agencies. She later joined a business cooperative and began working as a housekeeper. Before long, she had saved enough money to help support her mother and other family members in Mexico.

“Little by little I have been getting a hold on myself, getting better from the trauma,” she said. “We workers at the co-op now have the opportunity to advance; we can learn English and we can learn how to use computers. Now I send money to my mother with a lot of pride, because this money is the product of my work, the work I have chosen to do.”⁴⁸

Legislative Response

How survivors of forced labor fare in the post-release phase is largely determined by the quality of the response they receive from law enforcement personnel, health care professionals, and public and private social service agencies. Legislative remedies must address questions related to their immediate physical, medical and psychological needs as well as their long-term rehabilitation and reintegration into the larger society. An amendment to the 2000 Trafficking Act allows states to provide what is called a “Law Enforcement Agency Endorsement,” or LEA, a certificate that the victim is cooperating with local prosecutors.⁴⁹ But state legislation is also necessary to ensure that trafficking survivors in California are able to access quickly the federal benefits for which they are eligible. Further, increases in state social service provisions, particularly shelters for trafficking survivors, are needed to give survivors of trafficking and forced labor a viable opportunity to rebuild their lives.

Based on the findings of our study, it is clear that any legislation adopted by the California state legislature must address several critical areas including criminal prosecution and civil remedies; training for law enforcement to better help them recognize forced labor cases and process LEAs; the provision of social services, including medical care, shelter, witness protection and other benefits; and creation of a task force to examine, propose and coordinate ongoing efforts to combat trafficking and forced labor.

Legal Issues

When survivors are treated as criminals rather than as victims of a crime, it perpetuates the harm already inflicted on them. Moreover, the tenor of victims’ initial contact with legal authorities is critical in order to gain their trust and cooperation for subsequent prosecutions. Any state legislation in California should therefore complement federal efforts by crafting a criminal statute addressing the problem of forced labor. A criminal statute would provide law enforcement with an incentive to pursue perpetrators rather than leaving it to the federal authorities.

California already has some applicable laws on the books, but they are archaic, little-known and under-utilized. Most important, they are not fully responsive to the specific circumstances of those who fall victim to forced labor. For example, California’s involuntary servitude statute prohibits individuals from assuming “ownership” rights over another – i.e. chattel slavery – and carries a maximum sentence of four years.⁵⁰ The law fails to take into account that modern traffickers obtain control over their victims through force, threats, and

trickery, and the loss of liberty should be severely sanctioned. Addressing these shortcomings with language that clearly criminalizes these behaviors would also have great symbolic value. The Department of Justice has proposed model state legislation that can easily be adapted for this purpose.

As a corollary to the criminalization of trafficking and forced labor, it is important that legislation include some mechanism or forum for training law enforcement personnel in how to cope with these cases. The need here is two-fold. First, they must be able to recognize a forced labor situation and know how to distinguish it from a case of undocumented immigration. Equally important, they need to understand the process of preparing an LEA so that a survivor who is cooperating can receive federal benefits and immigration relief as soon as possible in the process.

“The federal benefits are terrific and very much needed given the danger these victims face and their need for stability and security,” said Kathleen Kim, the attorney with the Lawyers’ Committee for Civil Rights. “So getting that LEA is crucial. Since an awareness of the broad spectrum of trafficking and forced labor is really new to state and local law enforcement personnel, a fundamental part of any state legislation must be to ensure that they are well-trained on the issue and understand the importance to the victim of the LEA. Right now many of them wouldn’t even know what an LEA is.”⁵¹

State legislation should ensure that victims have access to a range of civil remedies. While federal law now includes a civil cause of action that allows victims to sue their persecutors, a parallel state provision will maximize the possibility of obtaining judicial relief. On the state level, survivors of forced labor can already sue under certain torts, such as intentional infliction of emotional distress. But it would be far preferable to have available a specific cause of action that is tailored to the particular harms created by this crime. This would help survivors seek redress for the physical, emotional and financial injuries they have suffered. Moreover, from a psychological perspective, a tort specifically targeting trafficking and forced labor offers victims a form of societal recognition of past wrongs.

“All the possible civil claims currently available do not specifically address modern-day slavery,” said Kathleen Kim.⁵² “Without one private right of action that encapsulates all of these aspects of forced labor, litigation strategy is much more complicated than it would otherwise be. And for clients who are asserting this right to seek civil redress, having a specific cause of action will help them realize that this is their ball game and that the law is on their side.”⁵³

Social Service Provisions

Survivors of trafficking and forced labor have a multitude of short-term and long-term needs including shelter, medical care, and psychological support, job-training, stable housing, and

other rehabilitation services. Under the federal trafficking act, they are entitled to receive the same benefits that are available to refugees if they cooperate with law enforcement and obtain certification—with the endorsement of state law enforcement, if necessary—that they are doing so.

For survivors emerging from captivity, accessing social services is critical to reestablishing their lives. Lucita relied on the social service provider, CAST, to support her as she emerged from captivity and cooperated with law enforcement officials to jail her sex traffickers. CAST secured her shelter, helped her obtain work authorization and was critical to enable her to reestablish her life in California. “I thought that I would never be able to choose anything or that I would never be anybody here. Now I know everything is different. ...”⁵⁴ The LEA endorsement is the lynchpin to this process. Law enforcement personnel have discretion to issue this document, which means that survivors may be caught in a difficult bind. The police or state law enforcement might choose to investigate the case for a period of time before they are willing to declare that it is a bona fide forced labor case. Even when they are certain, they might take a while before deeming survivors to be cooperative enough to merit an LEA. In the interim, the survivors, who may fear for their safety, are not able to receive any federal benefits.

State legislation in California should include provisions that enable survivors to obtain state benefits and assist them in applying for assistance from the federal government. Not only will this make it easier to obtain the trust of survivors, it will ensure that their trauma is not compounded by official indifference and neglect. The state should also consider providing for longer-term reintegration and rehabilitation services.

An essential component of this aid should be the provision of appropriate translation services to the private and public agencies that deal directly with the survivors. The challenges of communicating across languages and cultures can make it that much harder to gain the trust and confidence of those emerging from extremely harsh circumstances.

Experience has also shown that the process of assisting survivors works best when the various government and private entities involved in each case coordinate their activities. A single agency should be designated to play the lead role in ensuring that those involved in law enforcement and the provision of immigration, medical care, job training, shelter and other needed services work together efficiently. This will help to reduce duplication of efforts and to minimize the chance that a survivor will fall between the cracks. In Los Angeles, for example, the Coalition to Abolish Slavery and Trafficking, or CAST, has pioneered an effective approach to managing and addressing the complex web of survivor needs while providing intensive long-term support for clients. The CAST model offers survivors stable guidance and protection when they need it most.

Coordinating Task Force

Stopping trafficking and forced labor in California will require a coordinated effort among the government agencies and NGOs that provide legal and social services to survivors. On the federal level, the inter-agency task force approach has facilitated cooperation between all parties involved in implementation of the new law. Any state-level approach to combating forced labor should establish overall coordinating entity that can create appropriate policies and programs to enhance the law's effectiveness.

Currently, regional task forces on trafficking and forced labor throughout the state are at various stages of formation and differ in size. The task forces in the San Francisco Bay Area and the San Diego-Tijuana area have been in existence for several years; Orange County recently formed a group to tackle trafficking at the local level. Some of these groups have over seventy members. However, there is no state-wide body that brings together relevant stakeholders. Any task force at the state or local level should be composed of first responders including police or sheriff's deputies; prosecutors; officials from state labor, health and other departments; federal authorities from relevant agencies; and representatives of agencies that are providing shelter, medical care, legal assistance and other social services. Given the growth of local task forces, there is a need to create a structure at the state level for all stakeholders in the process to meet at regular intervals to review and develop new policies and regulations.

4. CONCLUSION

Human trafficking and forced labor present new challenges to conventional responses to crime prevention and the protection of human rights. To begin with, traffickers always seem to be one step ahead of the law. If they feel their forced labor operation has been discovered, they simply pull up stakes and move elsewhere. They hide their human captives behind locked gates and use coercion and violence to silence and subjugate the victims and their families.

Unable to speak English, use American currency, or even navigate a route to freedom, many victims of forced labor become virtual slaves in a strange land. They live and work unaware of their rights under American law. Even when they escape, they face a host of new challenges including finding a safe place to live and recover and deciding whether or not to cooperate with the authorities to prosecute their captors. Those who return home to their countries of origin may become stigmatized because of their plight or slip back into the trafficking web.

In recent years, a growing number of governments and nongovernmental organizations have begun to address the scourge of modern day slavery. A strong legal framework is in place which emphasizes that the rights of trafficking survivors must be the focal point of any strategy to eradicate the problem. Strategies have been formulated to reduce the supply of victims through poverty reduction; raise public awareness about the phenomenon of trafficking and forced labor; and to change the economic incentives that make low-wage sectors like agriculture, sweatshops, domestic work, and the service industry vulnerable to forced labor. The U.N. Protocol and U.S. federal Trafficking Act have created a set of set of robust standards and laws to guide anti-trafficking policies at the federal level.

Such progress notwithstanding, our research suggests that significant legal gaps exist at the state level. Our studies of forced labor in California and throughout the United States indicate that legal reform at the state level is urgently needed to improve the effectiveness of law enforcement's response to this illicit practice. We urge lawmakers in Sacramento to adopt legislation that will

- increase prosecution of perpetrators of human trafficking and forced labor;
- provide adequate protections and services to victims and their families; and
- establish a statewide coordinating agency to generate policies and programs aimed at eradicating this illicit trade.

5. ACKNOWLEDGMENTS

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6. NOTES

- ¹ Convention Concerning Forced or Compulsory Labour, *adopted* June 28, 1930, art. 2(1), 39 U.N.T.S. 55, 58 (entered into force May 1, 1932)) [hereinafter Forced Labour Convention].
- ² Human Rights Center & Free the Slaves, *Hidden Slaves: Forced Labor in the United States*, at 10, at http://www.hrcberkeley.org/download/hiddenslaves_report.pdf, (Sep. 2004).
- ³ *Id.*
- ⁴ *Id.* at 13.
- ⁵ Forced Labour Convention, *supra* note 1.
- ⁶ *Hidden Slaves: Forced Labor in the United States*, *supra* note 2, at 14.
- ⁷ *Id.* at 10.
- ⁸ Kathryn McMahon & Jennifer Stanger, Coalition to Abolish Slavery & Trafficking, Speaking Out: Three Narratives of Women Trafficked to the United States 2-3 (2002).
- ⁹ *Id.* at 6.
- ¹⁰ Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, *adopted* Mar. 21, 1950, 96 U.N.T.S. 271 (entered into force July 25, 1951).
- ¹¹ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, U.N. General Assembly Resolution 55/25, annex II, U.N. GAOR, 55th sess., Supp. no. 49, at 60, U.N. Doc. A/45/55 (vol. 1) (adopted 2000).
- ¹² *Id.*
- ¹³ 18 U.S.C. §§ 1589-1592.
- ¹⁴ 18 U.S.C. § 1592.
- ¹⁵ Interview by David Tuller with Anonymous U.S. Attorney (Jan. 15, 2005).
- ¹⁶ United States Department of Justice, *Model State Anti-Trafficking Criminal Statute*, at http://www.usdoj.gov/crt/crim/model_state_law.pdf, (2004).
- ¹⁷ S. Res. 414, 108th Cong. (2004).
- ¹⁸ *Hidden Slaves: Forced Labor in the United States*, *supra* note 2, at 25-29.
- ¹⁹ Ark. Const. art. II § 27; N.C. Gen. Stat. §§ 14-43.2; Ariz. Rev. Stat. §§ 13-1304; Ariz. Rev. Stat. §§ 13-3206.
- ²⁰ *Hidden Slaves: Forced Labor in the United States*, *supra* note 2, at 13.
- ²¹ *Id.* at 14.
- ²² Interview by David Tuller with Heidi Rummel, U.S. Attorney's Office (Jan. 15, 2005).
- ²³ *Id.*
- ²⁴ Brian D. Gushaulak & Douglas W. MacPherson, *Health Issues Associated with the Smuggling and Trafficking of Migrants*, *Journal of Immigrant Health* 2, 67-78, (2000); See Simon Romero, *Scene of Horror and Despair in Trailer*, *N.Y. Times*, May 16, 2003; Nick Madigan, *Second Group of Trapped People is Found in Truck in Texas*, *N.Y. Times*, May 17, 2003.
- ²⁵ Inter-American Commission of Women & Organization of American States & Women Health and Development Program & Pan-American Health Organization, Joint Fact Sheet (Jul. 2001).
- ²⁶ Speaking Out, *supra* note 8, at 3.
- ²⁷ Interview by Rachel Shigekane with Kai, Pseudonymous Domestic Worker (June 10, 2003).
- ²⁸ Interview by Natalie Hill with Juan, Pseudonymous Agricultural Worker (Apr. 27, 2003).
- ²⁹ Interview with Heidi Rummel, *supra* note 22.
- ³⁰ *Id.*
- ³¹ Interview by Rachel Shigekane with Pseudonymous Agricultural Worker (Jun. 10, 2003).
- ³² JUDITH HERMAN, *TRAUMA AND RECOVERY: THE AFTERMATH OF VIOLENCE—FROM DOMESTIC ABUSE TO POLITICAL TERROR* 74-75 (1992)
- ³³ *Id.* at 77.
- ³⁴ *Id.* at 81.
- ³⁵ Interview by Rachel Shigekane with Nancy Hormachae (June 25, 2003).
- ³⁶ *Id.*

- ³⁷ United States v. Lakireddy Bali Reddy, No. CR 00-40028-01 SBA (filed June 21, 2001) (citing Pre-sentencing Report, at paras. 79-80).
- ³⁸ Interview by David Tuller with Kathleen Kim, Lawyers Committee for Civil Rights (Jan. 13, 2005).
- ³⁹ *Id.*
- ⁴⁰ Interview with Kai, *supra* note 27.
- ⁴¹ Speaking Out, *supra* note 8, at 6.
- ⁴² For a discussion of depressive syndromes and affective disorders among refugees, *see* U.S. DEP'T OF HEALTH & HUMAN SERVS., PROMOTING MENTAL HEALTH SERVICES FOR REFUGEES: A HANDBOOK ON MODEL PRACTICES (1991), available at <http://aspe.hhs.gov/pic/pdf/3928.pdf>.
- ⁴³ Interview with Nancy Hormachea *supra* note 35.
- ⁴⁴ Interview with Kai, *supra* note 27.
- ⁴⁵ Interview by Natalie Hill and Rachel Shigekane with Kathleen Kim, Lawyers' Committee for Civil Rights, and Mie Lewis, Asian Pacific Islander Legal Outreach (June 16, 2003).
- ⁴⁶ Interview by Rachel Shigekane with Nalini Shekar (July 17, 2003). Shekar noted that forced labor survivors tend to stay in a shelter for a year or more, while victims of domestic violence stay an average of three to nine months. *Id.*
- ⁴⁷ *Hidden Slaves: Forced Labor in the United States*, *supra* note 2, at 31.
- ⁴⁸ Speaking Out, *supra* note 8, at 8.
- ⁴⁹ 22 U.S.C § 7105.
- ⁵⁰ Cal. Penal Code § 181.
- ⁵¹ Interview with Kathleen Kim, *supra* note 38.
- ⁵² *Id.*
- ⁵³ *Id.*
- ⁵⁴ Speaking Out, *supra* note 8, at 7.

7. APPENDICES

Appendix A

Statistical Data re Forced Labor in California

CITY	Number of Cases	Estimated number of Individuals
Anaheim	1	3
Artesia	3	3
Berkeley	1	9
Daly City	1	5
Fresno	1	15
Long Beach	1	4
Los Angeles ^a	20	252
Palo Alto	1	1
San Diego ^a	3	37
San Francisco ^a	17	191
San Jose ^a	7	32
Unknown	1	2
Total	57	554
a: one or more cases had no individuals reported.		

City	Number of Cases	Percent of Cases	Reported Number of Individuals	Percent of Reported Individuals
Anaheim	1	1.8%	3	0.5%
Artesia	3	5.3%	3	0.5%
Berkeley	1	1.8%	9	1.6%
Daly City	1	1.8%	5	0.9%
Fresno	1	1.8%	15	2.7%
Long Beach	1	1.8%	4	0.7%
Los Angeles ^a	20	35.1%	252	45.5%
Palo Alto	1	1.8%	1	0.2%
San Diego ^a	3	5.3%	37	6.7%
San Francisco ^a	17	29.8%	191	34.5%
San Jose ^a	7	12.3%	32	5.8%
Unknown	1	1.8%	2	0.4%
Total	57	100.0%	554	100.0%
a: one or more cases had no individuals reported.				

Economic and Demographic Sectors	Number of Cases	Percent of Cases	Reported Number of Individuals	Percent of Reported Individuals
Agriculture	1	1.8%	2	0.4%
Domestic service ^a	19	33.3%	93	16.8%
Mail order bride	3	5.3%	27	4.9%
Other	3	5.3%	42	7.6%
Prostitution ^a	27	47.4%	238	43.0%
Sexual Abuse- children etc	1	1.8%	9	1.6%
Sweatshop	3	5.3%	143	25.8%
Total	57	100.0%	554	100.0%
a: one or more cases had no individuals reported.				

Country of Origin of Victims	Number of Cases	Percent of Cases	Reported Number of Individuals	Percent of Reported Individuals
Bangladesh	2	3.5%	2	0.4%
Cambodia	1	1.8%	30	5.4%
China ^a	4	7.0%	20	3.6%
Czech Republic ^a	1	1.8%	0	0.0%
India	4	7.0%	12	2.2%
Indonesia	3	5.3%	5	0.9%
Kenya	2	3.5%	2	0.4%
Korea ^a	3	5.3%	11	2.0%
Malaysia	3	5.3%	8	1.4%
Mexico ^a	7	12.3%	104	18.8%
Nepal	1	1.8%	1	0.2%
Phillipines	3	5.3%	14	2.5%
Russia	2	3.5%	53	9.6%
Sri Lanka	1	1.8%	1	0.2%
Thailand ^a	8	14.0%	136	24.5%
Ukraine	1	1.8%	29	5.2%
United States ^a	5	8.8%	30	5.4%
Vietnam	1	1.8%	20	3.6%
Unknown	2	3.5%	60	10.8%
Africa	1	1.8%	1	0.2%
Asia ^a	1	1.8%	0	0.0%
Southest Asia	1	1.8%	15	2.7%
Total	57	100.0%	554	100.0%
a: one or more cases had no individuals reported.				

Appendix B

Resource Guide

Telephone Hotlines to Report Trafficking In Persons

Trafficking in Persons and Worker Exploitation Task Force Hotline 1-888-428-7581

The federal government has established the Trafficking in Persons and Worker Exploitation Task Force. This task force runs a complaint line at 1-888-428-7581. The hotline responds to trafficking victims regardless of immigration status. Operators have access to interpreters. The service is offered on weekdays from 9 AM to 5 PM EST. After these hours, information is available on tape in English, Spanish, Russian, and Mandarin.

Trafficking in Persons Information and Referral Hotline 1-888-373-7888

Department of Health and Human Services/Office of Refugee Resettlement operates this hotline to provide referral information to help victims access services in their area.

Direct Service Providers to Forced Labor Survivors in California

Overview: The following organizations in the San Francisco Bay Area and Los Angeles Area provide social services to survivors of forced labor in California. Survivors may also be assisted by local groups that do not target this population yet aid survivors who seek help. Publicly available information regarding the names and contact information for these groups is provided; however some organizations that offer services to crime victims do not advertise their identity and/or location to protect their clients and these groups are not represented in this list.

1. Asian Pacific American Legal Center
1145 Wilshire Boulevard, 2nd Floor
Los Angeles, CA 90017
Phone: (213) 977-7500
2. Asian Pacific Islander Legal Outreach
1188 Franklin Street, Suite 202
San Francisco, CA 94109
Phone: (415) 567-6255
Website: <http://www.geocities.com/apilegaloutreach/>
3. Asian Women's Shelter
3543 18th Street, Box 19
San Francisco, CA 94110
Phone: (415) 751-7110
Website: <http://www.sfaws.org/>

4. Cameron House
920 Sacramento Street
San Francisco, CA 94108
Phone: (415) 781-0401
Website: <http://www.cameronhouse.org/index.htm>
5. Catholic Legal Immigration Network
1530 West 9th Street Box 15095
Los Angeles, CA 90015
Phone: (213) 251-3505
6. Coalition to Abolish Slavery & Trafficking
5042 Wilshire Blvd., Suite 586
Los Angeles, CA 90036
Phone: (213) 385-5584
Website: <http://www.castla.org/>
7. Lawyers Committee for Civil Rights of the San Francisco Bay Area
131 Steuart Street, Suite 400
San Francisco, CA 94105
Phone: (415) 543-9444
Website: <http://www.lccr.com/index.html>
8. Legal Aid Foundation of Los Angeles
Los Angeles, CA
Website: <http://www.lafla.org/home.asp>
9. Narika
P.O. Box 14014
Berkeley, CA 94712
Phone: (510) 540-0754
Website: <http://www.narika.org/index.html>
10. Neighborhood Legal Services
Phone: (800) 433-6251
Website: <http://www.nls-la.org/>
Email: nls@nls-la.org
11. Public Counsel
601 South Ardmore Avenue
Los Angeles, CA 90005
Phone: (213) 385-2977

Anti-Trafficking Task Forces in California

Overview: There are four anti-trafficking task forces in California. The membership in these task forces include service providers, law enforcement, educational institutions and non profit organizations.

A. Joint Task Force (Bay Area)

U.S. Attorney's Office
Phone: (415) 436-6776
Contact: Elizabeth Lee

Members/Affiliates:

1. U.S. Attorney's Office for District of Northern California
2. San Francisco Police Department
3. U.S. Immigration and Customs Enforcement
4. Victim Witness Coordinator for US Attorney's office
5. Department of Labor: Wage and Hour Unit for San Francisco
6. U.S. Immigration and Citizenship Services
7. San Jose Police Department
8. Federal Bureau of Investigation
9. Asian Pacific Islander Legal Outreach
10. Asian Women's Shelter
11. NARIKA
12. Donaldina Cameron House
13. Stand Against Global Exploitation
14. Next Door Solutions to Domestic Violence
15. Lawyers' Committee for Civil Rights

B. Los Angeles Metropolitan Area Task Force in Human Trafficking

Los Angeles Police Department: Robbery/Homicide Division
150 North Los Angeles Street
Los Angeles, CA 90012
Phone: (213) 485-2511
Contact: Don Wildy

The Los Angeles Metropolitan Area Task Force in Human Trafficking supports victims, service providers, and federal agencies and seeks to identify human trafficking victims. In addition the task force is working to seek the conviction of perpetrators of severe forms of trafficking in persons.

Members/Affiliates:

1. Coalition to Abolish Slavery & Trafficking
2. Interval house

3. Alexandria House
4. Center for the Pacific Asian Family
5. Covenant House
6. Good Shepherd
7. Program for Torture Victims
8. East Los Angeles Women's Center
9. Angel's Flight
10. Legal Aid Foundation of Los Angeles
11. Public Counsel
12. Asian Pacific American Legal Center
13. Neighborhood Legal Services
14. Catholic Legal Immigration Network
15. U.S. Attorney's Office: Central District of California
16. Federal Bureau of Investigation: Joint Terrorism & Hate Crimes Unit and Victim Witness Coordinator's Office
17. Department of Homeland Security: Bureau of Immigration & Customs Enforcement and Bureau of Citizenship & Immigration Services
18. Department of Labor: Office of the Inspector General and Wage & Hour Division
19. Equal Employment Opportunity Commission
20. Internal Revenue Service
21. Employment Tax Specialty Group
22. Social Security Administration
23. District Attorney's Office: Organized Crime Division
24. City Attorney's Office
25. Los Angeles Police Department: Wilshire Operations Support Division, Organized Crime and Vice Division & Robbery & Homicide Division

C. Orange County Human Trafficking Task Force

1821 East Dyer Road, Suite 200

Santa Ana, CA 92705

Phone: (949) 975-0244

Contact: Pamela Kefi

The Orange County Human Trafficking Task Force is a collaboration of victim service providers, law enforcement agencies and community groups working to increase the prosecution of human trafficking cases, to protect trafficking victims and to prevent the occurrence of human trafficking in Orange County.

Members/Affiliates:

1. Access California Services
2. Adult Protective Services
3. Amnesty International Orange Coast College
4. Amnesty International Cal State Fullerton
5. Anaheim Police Department
6. Orange County Supervisor-Elect Lou Correa, First District

7. Assemblyman Lou Correa's Office
8. Bilateral Safety Corridor
9. Boat People SOS
10. California Labor Agency
11. California Labor & Workforce
12. Development Agency (Cal-OSHA)
13. Catholic Charities
14. Coalition to Abolish Slavery & Trafficking
15. Colette's Children's Home
16. Congresswoman Loretta Sanchez' Office
17. Costa Mesa Police Department
18. CSP: Sexual Assault Victim Services and Victim Assistance Programs
19. Cypress Police Department
20. DASU Domestic Abuse Services
21. Department of Homeland Security: Immigration & Customs Enforcement
22. Federal Bureau of Investigation: Victim Assistance Program
23. Garden Grove Police Department
24. Human Options
25. Interval House
26. Irvine Police Department
27. Johns Hopkins University: The Protection Project
28. Laguna Beach Police Department
29. Legal Aid Foundation of Los Angeles
30. Newport Beach Police Department
31. Orange County Human Relations
32. Orange County Legal Aid
33. Orange County Department of Social Services
34. Orange County District Attorney's Office
35. Orange County Children and Family Services
36. Public Law Center
37. Santa Ana Police Department
38. Sisters of St. Joseph
39. Sisters of St. Joseph of Orange
40. St. Anselm's Cross-Cultural Community Center
41. The Cambodian Family
42. U.S. Attorney's Office
43. U.S. Department of Labor
44. Westminster Police Department
45. Women & Children Protection Foundation
46. Women's' Transitional Living Center

D. Bilateral Safety Corridor Coalition (San Diego)

2050 Wilson Ave Suite C

National City, CA 91950

Phone: (619) 336-0770

Contact: Marisa Ugarte, Executive Director

The Bilateral Safety Corridor Coalition seeks to preserve the dignity and well being of commercially and sexually exploited women and children through prevention, intervention, and education.

Members/Affiliates:

1. Arizona for the Protection of Children and Adults
2. Border Health Initiative
3. CA State San Marcos Migrant Program
4. Catholic Charities
5. Centro Integral de la Familia Actual
6. Chawick Trauma Centers
7. Citizens for Community Values of San Diego
8. Clinicas de Salud del Pueblo, Inc.
9. Coalition Against Trafficking in Women
10. Consulate of Mexico, San Diego Office
11. Crisis House
12. Doctors of the World
13. Episcopal Community Services
14. Family Health Centers of San Diego
15. Freedom From Exploitation
16. Harbor Presbyterian Church
17. Heartbeat Family Partnership
18. Heartland Human Relations and Fair Housing Association
19. University of San Diego: Joan B. Kroc Institute for Peace and Justice
20. KGTV Channel 10, San Diego
21. Mano A Mano Foundation
22. Migrant Education Initiative
23. Miss Latina Inc.
24. National Latino Research Center, San Marcos
25. North County Collaborative, San Diego
26. County of San Diego Office of Violence and Injury Prevention
27. Panorama Teen Center
28. Salvation Army Local & DC
29. San Diego Children's Hospital
30. San Diego County Office of Education Migrant Education Program
31. San Diego County Probation
32. San Diego County Sheriff's Department
33. San Diego County Health and Human Services
34. San Diego County Department of Mental Health
35. San Diego County Violence Prevention
36. San Diego Police Department
37. San Diego State University
38. San Diego Youth & Community Services
39. Southwest Key Program

40. Union of Pan Asian Communities
41. United Nations Association: Women's Equity Council
42. U.S. Attorney's Office
43. U.S./Mexico Border Health Commission
44. University of San Diego Trans-Border Institute
45. University of Southern California: Adolescent Health Department
46. Violence Prevention Initiative, Escondido
47. Walden Family Services
48. Artesana, Texas
49. California Highway Patrol
50. Federal Bureau of Investigation
51. Free the Slaves
52. Immigration & Naturalization Services
53. State of California Refugee Crime Prevention
54. AFABI, Tijuana
55. Alianza por los Derechos y el Desarrollo de la Mujer
56. Casa Alianza: Costa Rica, Honduras, Nicaragua, México
57. Centro de la Mujer, Mexicali, México
58. Cyber Police, México
59. DIF: México DIF Estatal DIF Municipal
60. DIF: Puerto Vallarta, México
61. Ecpact, Guatemala
62. Fundación para la Protección de la Niñez, Tijuana, México (30 agencies)
63. ILO, Mexicali, México
64. Ministry for Children, Panama
65. Ministry of Children, Costa Rica
66. Ministry of Children, Ecuador
67. Ministry of Children, Guatemala
68. Ministry of Children, San Salvador
69. Municipio, Puerto Vallarta, México
70. Por los Niños, Puerto Vallarta, México
71. Procuraduría de los Derechos Humanos, México
72. Red Nacional Contra la Trata de Personas, República Dominicana
73. Save The Children Sweden
74. Secretaría de la Mujer, Red de San Juan de la Maguana, República Dominicana



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460 Stephens Hall #2300
Berkeley, CA 94702-2300
(510) 642-0965
www.hrcberkeley.org