



National Asian Pacific American Bar Association

## Statement of Support for Anti-Human Trafficking Efforts

Endorsed March 2014

**WHEREAS**, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors and law students, representing the interests of over 40,000 attorneys and nearly 70 national, state, and local Asian Pacific American bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, and lawyers serving at all levels of government; and NAPABA is committed to addressing civil rights issues confronting Asian Pacific American communities and people of color;

**WHEREAS**, human trafficking, which the U.S. Department of State defines as “activities involved when one person obtains or holds another person in compelled service,” is an international human rights issue that requires the attention of the entire international community working toward justice and equality;

**WHEREAS**, 40,000 victims were identified around the world in 2012, but experts estimate that up to 27 million people worldwide are victims of this modern day form of slavery;

**WHEREAS**, victims from Asia, particularly India, Thailand, Vietnam, Cambodia, Indonesia, and the Philippines, are found in the widest range of countries into which individuals are trafficked, with the United States being among the most prominent destination countries;

**WHEREAS**, human trafficking, which predominantly takes the form of labor or sex trafficking, often involves victims from disadvantaged backgrounds who are coerced or tricked by traffickers under false promises of opportunity;

**WHEREAS**, despite the underreporting of human trafficking in the United States, the U.S. Attorney General’s annual report from fiscal year 2011 shows that nearly half of trafficking victims who received certification and eligibility letters for social services were from (in order by highest percentage of victims) the Philippines, Thailand, India, Indonesia, and South Korea;

**WHEREAS**, human trafficking in connection with guestworker programs related to H-1B, H-2A, and H-2B Visas is another manifestation of this crime, with reports that individuals recruited to work for U.S. public schools, farms, and industrial companies face harassment, sexual abuse, and conditions akin to indentured servitude, demonstrating the lack of oversight over recruitment companies and the failure of existing protections against human trafficking in the context of guestworker programs;

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**WHEREAS**, the United Nations has taken note of the issue of human trafficking, introducing the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo Protocol) in 2000, and initiating the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) in March 2007;

**WHEREAS**, Congress has also acted to combat human trafficking, first enacting the Trafficking Victims Protection Act (TVPA) in 2000, and reauthorizing the legislation in 2005, 2008, and 2013 (as an amendment to the Violence Against Women Act), which criminalizes traffickers and provides protection and assistance to victims of human trafficking in the United States, whether they are trafficked into the United States or trafficked internally;

**WHEREAS**, Congress passed the National Defense Authorization Act for Fiscal Year 2013, which includes the End Trafficking in Government Contracting Act (ETGCA), in order to address human trafficking via government contracts domestically and abroad;

**WHEREAS**, President Obama issued Executive Order 13627, Strengthening Protections Against Trafficking In Persons In Federal Contracts, to reaffirm the U.S. government's zero-tolerance policy on human trafficking and strengthen current laws such as the TVPA and ETGCA;

**WHEREAS**, the American Bar Association (ABA) adopted resolutions from 1996-2011 to address and combat human trafficking. In 2012, the ABA created the Taskforce on Human Trafficking, and developed several more resolutions regarding human trafficking pending approval from the ABA House of Delegates, including:

- 104F, which encourages lawmakers to enact laws and regulations and to develop policies that assure that once an individual has been identified as a victim of human trafficking, that individual: should not be prosecuted for crimes related to their prostitution or other non-violent deadly crimes that are a direct result of the individual's status as a victim of human trafficking; should be housed appropriately; should be provided appropriate protection and should be assured their names and identifying information will not be disclosed to the public;
- 104G, which encourages lawmakers to enact legislation allowing adult and minor human trafficking victims charged with prostitution related offenses or other non-violent offenses that are a direct result of their being trafficked, to assert an affirmative defense of being a human trafficking victim.
- 104H, which urges lawmakers to aid adult and minor victims of human trafficking by enacting and enforcing laws and policies that permit victims of human trafficking to vacate their criminal convictions for crimes related to prostitution or other non-violent crimes that are a direct result of their trafficking victimization; encourages legal assistance providers to develop pro bono programs to assist victims of human trafficking to vacate convictions for offenses that are a direct result of their trafficking victimization; and calls for lawmakers to help establish and fund programs to assist victims with the process; and

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- 104I, which encourages the development and implementation of training programs for judges, prosecutors, defense counsel, law enforcement officers, immigration officials and other investigators that will enable them to identify adult and minor victims of human trafficking, enable them to direct victims and their families to agencies that offer social and legal services and benefits designed to assist victims of human trafficking and enable them to communicate effectively with adult and minor victims who have experienced trauma; and

**WHEREAS**, despite current anti-human trafficking efforts, human trafficking remains a \$32 billion global industry that depends on the buying, selling, and abuse of human beings that directly impacts individuals of Asian descent.

### **THEREFORE BE IT RESOLVED, that NAPABA:**

1. Strongly condemns human trafficking in all its forms, and supports efforts to combat human trafficking and aid trafficking victims domestically and abroad.
2. Supports measures and legislation aimed at determining human trafficking for the reasons set forth above.
3. Supports the anti-trafficking initiatives of local affiliates, other bar associations, and entities that the NAPABA Board deems suitable.
4. Authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary.
5. Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.