

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re trafficking in women (4 pages)	10/26/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Cables
Jan 1999-Dec 2000] ([sweatshop ...])
OA/Box Number: 530000

FOLDER TITLE:

[10/13/1999-12/20/1999

2018-1072-F

kc2341

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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RR. Document will be reviewed upon request.

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Cable

PREC: ROUTINE
CLASS: UNCLASSIFIED
LINE1: RAAUZYUW RUEHCAA3374 2862106-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: R 132100Z OCT 99
LINE4: FM SECSTATE WASHDC
OSRI: RUEHC
DTG: 132100Z OCT 99
ORIG: SECSTATE WASHDC
TO: LABOR COLLECTIVE
RUEHKA/AMEMBASSY DHAKA 0000
RUEHLH/AMCONSUL LAHORE 0000
INFO: RUEHDS/AMEMBASSY ADDIS ABABA 0000
RUEHHI/AMEMBASSY HANOI 0000
RUEHIL/AMEMBASSY ISLAMABAD 0000
RUEHMU/AMEMBASSY MANAGUA 0000
RUEHPU/AMEMBASSY PORT AU PRINCE 0000
RUCPDOG/USDOC WASHDC 0000
RHEHNSC/NSC WASHDC 0000
RUEKJCS/SECDEF WASHDC 0000
RUEAIIA/CIA WASHDC 0000
RUEATRS/TREASURY DEPT WASHDC 0000
RUETIAA/NSA FT GEORGE G MEADE MD
SUBJ: WORLDWIDE LABOR OFFICERS CONFERENCE: PANELS ON
JUNE ILC, CHILD LABOR, USAID, AND INTERNET
TEXT:
UNCLAS STATE 193374

FOR LABOFFS AND LRO'S, PARIS ALSO FOR USOECD

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TAGS: ELAB, PHUM, EAID, ETRD, ILO
SUBJECT: WORLDWIDE LABOR OFFICERS CONFERENCE: PANELS ON
JUNE ILC, CHILD LABOR, USAID, AND INTERNET

REF: STATE 184665

1. BEGIN SUMMARY. THIS CABLE REPORTS ON THE FIRST FOUR
PANEL DISCUSSIONS HELD DURING THE WORLDWIDE LABOR OFFICER'S
CONFERENCE JULY 22-23. THESE PANELS CONSIDERED:
-- THE ROLE OF MULTILATERAL ORGANIZATIONS,
ACCOMPLISHMENTS OF THE JUNE INTERNATIONAL LABOR CONFERENCE
(ILC) AND NEXT STEPS;
-- CHILD LABOR ISSUES;
-- THE ROLE OF USAID IN LABOR DIPLOMACY/PROGRAMMING;
-- NEW TOOLS FOR LABOR DIPLOMACY (USE OF THE INTERNET).
REFTEL PROVIDED A SUMMARY/OVERVIEW OF THE ENTIRE
CONFERENCE. TWO OTHER SEPTELS WILL REPORT ON THE REMAINING
PANELS. END SUMMARY

ROLE OF MULTILATERAL ORGANIZATIONS: JUNE ILC AND NEXT STEPS

MODERATOR: ANDREW SAMET

PANELISTS: ANTHONY FREEMAN, ILO WASHINGTON DIRECTOR;
BARBARA SHAILOR, AFL-CIO INTERNATIONAL AFFAIRS DIRECTOR;
HUGH NEIGHBOUR, IO/T; JOHN RITCHOTTE, USCIB, MANAGER OF
INTERNATIONAL LABOR AFFAIRS

ANDREW SAMET

3. MR. SAMET NOTED THAT THIS YEAR WAS THE FIRST TIME THAT PRESIDENT CLINTON HAD MENTIONED THE INTERNATIONAL LABOR ORGANIZATION (ILO) IN A STATE OF THE UNION ADDRESS. THIS IS PROGRESS FROM A COUPLE OF YEARS AGO, WHEN THERE WAS A QUESTION AS TO WHETHER THE UNITED STATES NEEDED TO HAVE ANY RELATIONSHIP WITH THE ILO. SAMET SAID THAT THERE WAS NEW LEADERSHIP AT THE ILO AND THAT THE ILO WAS GOING THROUGH A TRANSITION. HE SAID THAT THE ILO IS ABLE TO FRAME LABOR RIGHTS ISSUES.

ANTHONY FREEMAN

4. MR. FREEMAN SAID THAT THE LABOR OFFICER CONFERENCE SHOWS THAT THE STATE DEPARTMENT HAS MADE A COMMITMENT TO STRENGTHENING THE LABOR DIPLOMACY FUNCTION AND ADDED THAT HE WAS HONORED TO BE A MEMBER OF THE ADVISORY COMMITTEE ON LABOR DIPLOMACY. HE LISTED THE ACCOMPLISHMENTS OF THE JUNE CONFERENCE OF THE ILO AS FOLLOWS: 1) THE SYMBOLIC SIGNIFICANCE OF THE PRESIDENT'S ATTENDANCE AND ADDRESS TO THE ILC; 2) THE ADOPTION OF CONVENTION 182 ON THE WORST FORMS OF CHILD LABOR, WHICH WAS ADOPTED UNANIMOUSLY AND WITHOUT ABSTENTION; AND 3) THE EMERGENCY RESOLUTION ON MYANMAR (BURMA), WHICH PROVIDED THAT MYANMAR SHOULD NOT RECEIVE TECHNICAL ASSISTANCE OR COOPERATION.

5. MR. FREEMAN ALSO NOTED THAT LAST YEAR'S CONFERENCE ACHIEVED A LANDMARK POST-COLD WAR DECLARATION ON CORE LABOR STANDARDS. U.S. EMPLOYERS PLAYED AN IMPORTANT ROLE IN THE ARCHITECTURE OF THE DECLARATION. THE DECLARATION IMPOSES A CONSTITUTIONAL OBLIGATION OF EACH MEMBER STATE OF THE ILO TO RESPECT, PROMOTE AND ADHERE TO FIVE PRINCIPLES: 1) FREEDOM OF ASSOCIATION; 2) COLLECTIVE BARGAINING RIGHTS; 3) FORCED LABOR PROHIBITION; 4) CHILD

LABOR PROHIBITION; 5) A BAR ON DISCRIMINATION IN EMPLOYMENT.

6. NEXT STEPS INCLUDE A RATIFICATION CAMPAIGN FOR THE NEW CHILD LABOR CONVENTION AND FOLLOW-UP ON LAST YEAR'S DECLARATION. EACH MEMBER COUNTRY'S GOVERNMENT HAS TO SUBMIT REPORTS REGARDING THE CORE CONVENTIONS, WITH AN EXPLANATION OF FAILURES TO RATIFY. IN MARCH, THE ILO GOVERNING BODY WILL DISCUSS THESE REPORTS. THE U.S. IS A

MAJOR DONOR TO THE INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR (IPEC). THERE IS A REQUEST IN THE CURRENT BUDGET FOR CONGRESS TO PROVIDE SIMILAR FUNDING (\$25 MILLION) FOR PROMOTION OF THE OTHER CORE STANDARDS. LATER THIS YEAR, AT THE WORLD BANK CONFERENCE, THERE WILL BE A WHOLE DAY DEVOTED TO LABOR ISSUES.

7. ILO DIRECTOR GENERAL SOMAVIA HAS REORGANIZED THE STRUCTURE OF THE ILO. THE REORGANIZED BUDGET OF THE ILO ESTABLISHES FOUR OBJECTIVES: 1) FUNDAMENTAL PRINCIPLES; 2) EMPLOYMENT CREATION; 3) SOCIAL PROTECTION; 4) SOCIAL DIALOGUE. THE BUDGET IS A "ZERO GROWTH" BUDGET. SOMAVIA HAS BROUGHT A NEW MANAGEMENT STYLE TO THE ILO. HE HAD A LOT TO DO WITH THE ADOPTION OF THE 1998 DECLARATION. THE MYANMAR RESOLUTION IS PRECEDENT-SETTING. IT IS A DEPARTURE FROM ILO PHILOSOPHY. BURMA EGREGIOUSLY VIOLATED LABOR STANDARDS. THE NEW DIRECTOR GENERAL IS CHILEAN AND IS SENSITIVE TO THE IMPOSITION OF VALUES FROM THE OUTSIDE BY OTHER COUNTRIES. THE DECLARATION OF CORE LABOR STANDARDS IS "PROMOTIONAL." IT PROMOTES THE ACCEPTANCE OF CORE LABOR STANDARDS IN THE CONTEXT OF ALL ASPECTS OF GLOBALIZATION: TRADE, TECHNOLOGY, COMMUNICATION. THE GOAL IS TO IMPROVE WORKING STANDARDS OF WORKERS. AS CHILE'S FORMER PERMREP TO THE U.N., CHAIR OF ECOSOC AND OF THE 1995 SOCIAL SUMMIT IN COPENHAGEN, SOMAVIA IS AWARE OF THE NEED FOR THE ILO TO WORK WITH THE WORLD TRADE ORGANIZATION (WTO).

BARBARA SHAILOR

8. MS. SHAILOR NOTED THAT THE AFL-CIO WAS NOW CONVENING REPRESENTATIVES FROM TWENTY COUNTRIES AROUND THE WORLD.

THERE ARE AFL-CIO PROGRAMS IN 60 COUNTRIES. TO PUT THE LABOR DIPLOMACY FUNCTION IN CONTEXT, SHE NOTED THAT DURING THE COLD WAR, THERE WERE INDEPENDENT VIBRANT LABOR ORGANIZATIONS THAT HELPED DURING THE TRANSFORMATION FROM COMMUNISM. AFTER THE COLD WAR, THE LABOR DIPLOMACY FUNCTION AND THE ROLE OF THE AFL-CIO BEGAN TO DIMINISH. IT BECAME CLEAR THAT SOME BELIEVED THAT LABOR WOULD BE AN IMPEDIMENT TO FREE MARKET WILD WEST CAPITALISM. DISCUSSIONS BEGAN TO TRY TO INCREASE THE STATE DEPARTMENT'S LABOR CAPACITY. SHE IS GRATEFUL TO JACK JOYCE OF THE BRICKLAYERS UNION (WHO WAS PRESENT AT THE CONFERENCE) AND A MEMBER OF THE NEW ADVISORY COMMITTEE ON LABOR DIPLOMACY FOR HIS WORK ON THIS ISSUE.

9. SHAILOR SAID THAT DURING HER YEARS DOING INTERNATIONAL LABOR WORK FOR THE MACHINISTS UNION SHE WAS IN CHINA. AT THE TIME, NO ONE IN THE U.S. EMBASSY IN CHINA DEALT WITH LABOR ISSUES. THIS IS A CRITICAL FOREIGN POLICY ISSUE. NOT TO HAVE THE CAPACITY TO DEAL WITH LABOR ISSUES IN A PLACE LIKE CHINA WAS A MAJOR LAPSE. THE ILO IS THE FOURTH PILLAR IN THE GLOBAL ARCHITECTURE. PRESIDENT CLINTON HAS STRESSED PUTTING A HUMAN FACE ON THE GLOBAL ECONOMY. WE MUST MAKE SURE THAT WORKERS HAVE A PLACE IN THE GLOBAL

ECONOMY. THE ILO IS WHERE THE COMPETENCE LIES FOR LABOR ISSUES. SHE SAID THAT SHE IS ECSTATIC ABOUT THE NEW LEADERSHIP AT THE ILO.

10. THE RULES FOR THE GLOBAL ECONOMY INCLUDE THE BASIC CORE CONVENTIONS OF THE ILO. THERE IS NOW A PUBLIC EDUCATION CAMPAIGN TO PASS THE CHILD LABOR CONVENTIONS, TO EDUCATE THE PUBLIC, TO EDUCATE THE TEACHERS. THE AFL-CIO WANTS THE ILO TO HAVE PARITY WITH THE WORLD BANK, IMF AND OTHER INSTITUTIONS. THE AFL-CIO WANTS TO PROD THESE INSTITUTIONS TO GIVE THE ILO OBSERVER STATUS. IT WANTS TO SEE CORE WORKER RIGHTS IN TRADE AND INVESTMENT AGREEMENTS. IT WORKS POLITICALLY, INTELLECTUALLY AND ACADEMICALLY AND WANTS TO ENCOURAGE MORE ECONOMIC STUDIES ON THE CONNECTION BETWEEN GROWTH AND FREE LABOR.

11. GLOBALIZATION SHOULD NOT BE A RACE TO THE BOTTOM, SHE SAID. RUSSIAN WORKERS' WAGES ARE IN ARREARS FOR SIX MONTHS. IT'S NOT MORAL AND IT'S NOT GOOD FOREIGN POLICY.

WE MUST LIFT STANDARDS WORLDWIDE. THE WORK THAT LABOR OFFICERS DO IS MORE IMPORTANT THAN EVER. LABOR OFFICERS GIVE A REAL VOICE TO WORKERS AND THEIR FAMILIES. THE AFL-CIO WANTS WORKERS AROUND THE WORLD TO BE SAFE AND SECURE, NOT FEARFUL AND ANGRY AND THREATENED.

HUGH NEIGHBOR

12. MR. NEIGHBOUR THANKED LABOR OFFICERS FOR THEIR EFFORTS IN DEVELOPING ILO CONVENTION 182 ON THE WORST FORMS OF CHILD LABOR. HE SAID IT ADVANCES THE U.S. COMMITMENT TO PUT "A HUMAN FACE ON THE GLOBAL ECONOMY," WHICH IS BASED ON THE CONVICTION THAT WORKERS AND ORDINARY PEOPLE MUST SHARE IN THE BENEFITS OF NEW TRADE AGREEMENTS. IF THEY DON'T THERE WILL BE NO POPULAR SUPPORT FOR TRADE EXPANSION. MR. NEIGHBOR ALSO PRAISED THE ILO'S ORGANIZATIONAL REFORMS THAT ARE A MODEL FOR OTHER UN ORGANIZATIONS.

JOHN RITCHOTTE

13. MR. RITCHOTTE OPENED BY NOTING THAT THE U.S. COUNCIL FOR INTERNATIONAL BUSINESS REPRESENTS U.S. EMPLOYERS AT THE ILO. HE SAID THAT THE U.S. BUSINESS COMMUNITY IS LOOKING FOR A FIRM FOLLOW-UP ON THE REPORTING PROCEDURES OF THE 1998 DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK. HE NOTED THAT THERE HAVE BEEN PROPOSALS TO USE THE DECLARATION AS A DEVICE FOR PURSUING LABOR STANDARDS IN THE WTO. THE U.S. BUSINESS COMMUNITY OPPOSES THIS APPROACH (AS DOES ILO DG SOMAVIA) BUT THERE IS SUPPORT FOR FULL IMPLEMENTATION OF THE DECLARATION IN THE ILO CONTEXT. SINCE THERE IS ALMOST UNANIMOUS OPPOSITION IN THE WTO TO LINKAGE, MR. RITCHOTTE WONDERED WHY THE U.S. GOVERNMENT WILL PURSUE A POLICY IT KNOWS WILL FAIL. THERE WILL BE BLOOD ON THE FLOOR FROM A WTO LEADERSHIP DEBATE ON

THIS ISSUE. IT IS NOT GOOD TO PUSH THE LINE.

14. WITH RESPECT TO CONVENTION 182 ON THE WORST FORM OF CHILD LABOR, MR. RITCHOTTE NOTED THAT IT WAS THE FIRST TIME U.S. EMPLOYERS EVER VOTED IN FAVOR OF ADOPTING AN ILO

CONVENTION. THEY USUALLY ABSTAIN. MR. RITCHOTTE PRAISED ANDREW SAMET FOR HIS LEADERSHIP ON THE BURMA RESOLUTION AT THE ILO. THOSE KINDS OF OFFENDERS ARE NOW ON NOTICE.

COMMENTS AND QUESTIONS

15. JAMES EHRMAN (LABOR COUNSELOR, ROME) RAISED THE ISSUE THE FAILURE OF THE U.S. TO RATIFY MOST OF THE ILO CONVENTIONS. IT HAS ONLY RATIFIED 12 OUT OF 182 CONVENTIONS, AND 7 OF THOSE DEAL WITH MARITIME ISSUES. A MAJOR REASON FOR THIS IS THE WORKINGS OF OUR FEDERAL SYSTEM. HE COMMENDED THE PAPER PROVIDED TO CONFERENCE PARTICIPANTS EXPLAINING THE U.S. SYSTEM FOR RATIFICATION OF THE CONVENTIONS. ALDEN IRONS (DRL/IL DEPUTY DIRECTOR) THEN ASKED HOW THE U.S. WILL RESPOND TO THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS' (ICFTU) RECENT SUBMISSION TO THE ILO CRITICAL OF THE U.S. RATIFICATION RECORD AND ALSO OF U.S. PRACTICE WITH RESPECT TO SOME OF THE CORE CONVENTIONS.

16. MS. SHAILOR RESPONDED THAT WE HAVE TO BE HONEST ABOUT THE FACT THAT FOR THE LAST TWENTY YEARS THERE HAS BEEN AN AGGRESSIVE ORGANIZED ATTACK ON FUNDAMENTAL LABOR RIGHTS IN THIS COUNTRY. THE AFL-CIO IS NOT GOING TO PAPER IT OVER. WE ARE PROUD OF THE AMERICAN GOVERNMENT, BUT IT WOULD BE FOOLISH TO SAY THAT WE DON'T HAVE PROBLEMS IN THIS COUNTRY. WE ARE CAPABLE OF BOTH IDENTIFYING VIOLATIONS AND SUPPORTING THE USG'S POSITIVE CONTRIBUTIONS.

17. MS. SHAILOR WENT ON TO COMMENT ON CONDITIONALITY IN TRADE AGREEMENTS, NOTING THAT IT ALREADY EXISTS IN GSP, SECTION 301, AND OTHER PROVISIONS. THE PROBLEM IS THAT THESE ARE NOT MULTILATERAL. MR. RITCHOTTE SAID THAT THE PROBLEM WITH TRYING TO MULTILATERALIZE IS THAT THE WTO OPERATES UNDER UNANIMITY. WE'RE NOT GOING TO GET UNANIMITY IN THE CURRENT ENVIRONMENT.

18. WILLIAM LUCY (AFSCME, MEMBER OF THE ADVISORY COMMITTEE ON LABOR DIPLOMACY) NOTED THAT COUNTRIES ARE ALSO EMPLOYERS OF PUBLIC WORKERS. IN THE CURRENT CLIMATE OF PRIVATIZATION, WE HAVE TO ENSURE THAT PUBLIC SECTOR WORKERS ENJOY THE RIGHTS OF ALL OTHER WORKERS.

CHILD LABOR ISSUES

MODERATOR:SARAH ROSEN WARTELL, NEC, SENIOR ADVISOR
PANELISTS:NICHOLAS STIGLIANI, DRL/IL OFFICE DIRECTOR;
MARCIA EUGENIO, DEPARTMENT OF LABOR INT'L CHILD LABOR PROGRAM; DARLENE ADKINS, CHILD LABOR COALITION.

SARAH ROSEN WARTELL

19. MS. ROSEN WARTELL WORKS FOR GENE SPERLING AT THE NATIONAL ECONOMIC COUNCIL. SHE MADE THE FOLLOWING POINTS: MR. SPERLING IS KNOWN FOR KNOWING WHERE THE PRESIDENT'S PASSION IS. CHILD LABOR IS A PERSONAL PASSION FOR THE PRESIDENT. CHILD LABOR IS ONE OF THE CORE LABOR STANDARDS. ROSEN WARTELL DID NOT WANT TO SUGGEST THAT THE ADMINISTRATION CARES ABOUT CHILD LABOR AS A SUBSTITUTE FOR CORE LABOR STANDARDS, BUT RATHER CHILD LABOR IS A KEY PART OF RAISING LABOR STANDARDS GLOBALLY. WE WON'T HAVE A DOMESTIC CONSENSUS FOR A GLOBAL MARKET PLACE UNLESS WE CAN DO MORE TO PROMOTE CORE LABOR STANDARDS. CHILD LABOR IS IMPORTANT -- BOTH AS A MORAL IMPERATIVE AND AS A WAY TO COMMUNICATE CORE VALUES. FEW TOPICS MAKE IT INTO THE STATE OF THE UNION TWICE, AND CHILD LABOR IS ONE OF THEM.

20. THE EXECUTIVE ORDER ON PROCUREMENT OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR, WHICH WAS ANNOUNCED IN THE PRESIDENT'S UNIVERSITY OF CHICAGO SPEECH IN JUNE, INVOLVES GOVERNMENT PROCUREMENT. UNDER THE TERMS OF THE DEPARTMENT OF LABOR NEEDS TO PUBLISH BY OCTOBER 10 A LIST OF PRODUCTS MADE OR PRODUCED WITH FORCED OR INDENTURED CHILD LABOR. (SEE STATE 145085 FOR FURTHER DETAILS.) THE EXECUTIVE ORDER DOES NOT SET FORTH A LAW ENFORCEMENT STANDARD. IT IS "SOME REASON TO BELIEVE." WE DO NOT BELIEVE IT WILL DRAMATICALLY CHANGE THINGS. PROBABLY A SMALL AMOUNT OF PRODUCTS WILL BE AFFECTED. IT IS LARGELY SYMBOLIC. IT SENDS AN IMPORTANT MESSAGE: WE DO NOT APPROVE OF GOODS THAT ARE MADE WITH FORCED OR INDENTURED CHILD LABOR.

NICK STIGLIANI

21. SENATOR TOM HARKIN IN THE EARLY 1990'S SUBMITTED A BILL TO BAN THE IMPORTATION OF GOODS MADE WITH CHILD LABOR. AT ABOUT THE SAME TIME THE ILO'S VOLUNTARY INTERNATIONAL PROGRAM FOR THE ELIMINATION OF CHILD LABOR (IPEC) WAS ESTABLISHED. IPEC FOCUSES ON THE WORST FORMS OF CHILD LABOR. CHILD LABOR IS SEEN AS AN IMPEDIMENT TO ECONOMIC DEVELOPMENT. ABOLITION OF ABUSIVE CHILD LABOR HAS BECOME A FOREIGN POLICY GOAL. A MORAL, SOCIAL AND ALTRUISTIC GOAL IS NOT USUALLY THOUGHT OF AS A TRADITIONAL FOREIGN POLICY GOAL. THE CHILD SOLDIER ISSUE BECAME A CONTENTIOUS ISSUE IN THIS YEAR'S DISCUSSION OF THE ILO'S NEW CONVENTION OF THE WORST FORMS OF CHILD LABOR. ENLISTMENT OF 17 YEAR OLDS IS PERMITTED IN THE US. SINCE THE PROPOSED NEW CONVENTION DEFINED A CHILD AS ANYONE UNDER 18, THIS WAS UNACCEPTABLE TO THE US. THE AGREED LANGUAGE BANS FORCED OR COMPULSORY RECRUITMENT FOR ARMED CONFLICT.

MARCIA EUGENIO

22. THE DEPARTMENT OF LABOR'S CHILD LABOR PROGRAM IN ILAB

WORKS WITH LABOR OFFICERS AND THE ILO. IT PARTICULARLY OVERSEES THE US CONTRIBUTION TO THE ILO'S IPEC, WHICH INCREASED FROM \$3 MILLION LAST YEAR TO \$30 MILLION THIS YEAR. WE SEEK PROGRESSIVE ELIMINATION OF CHILD LABOR BY HELPING COUNTRIES DEAL WITH THE PROBLEM. THERE IS A WORLDWIDE MOVEMENT TOWARD THE ELIMINATION OF CHILD LABOR. 250 MILLION CHILDREN ARE WORKING WORLDWIDE. 120 MILLION WORK FULL TIME, WITH NO SCHOOL. THEY WORK IN FACTORIES, MINES, AGRICULTURE AND OTHER FIELDS, AND ARE EXPOSED TO MANY HAZARDS, SUCH AS PESTICIDES. THEY OFTEN WORK UNDER FORCED CONDITIONS. OVER 60 COUNTRIES ARE MEMBERS OF IPEC. OF THESE, 32 ARE "PREPARATORY COUNTRIES" WHICH HAVE NOT YET SIGNED A MEMORANDUM OF UNDERSTANDING WITH ILO-IPEC. IPEC ENGAGES GOVERNMENTS, WORKS WITH UNIONS, NGOS, AND PARENTS OF WORKING CHILDREN. IT WORKS TO FOSTER A SENSE OF OWNERSHIP OF THE CHILD LABOR ISSUE ON A LOCAL LEVEL. THE DEPARTMENT OF LABOR HAS WORKED WITH IPEC SINCE 1994-1995.

23. IN THE BRIEF DISCUSSION THAT FOLLOWED, SARAH ROSEN WARTELL UNDERScoreD THAT CONGRESS INCREASED THE US IPEC BUDGET FROM \$3 MILLION TO \$30 MILLION THIS YEAR. WE NEED TO MAKE SURE THESE PROGRAMS WORK. MS. EUGENIO GAVE AN EXAMPLE OF ONE PROJECT TO CREATE A NON-PROFIT SCHOOL WHERE THERE ARE NO OTHER VIABLE EDUCATIONAL OPPORTUNITIES. THERE IS A CONCERN AS TO WHETHER NON-PROFIT SCHOOLS ARE A SUSTAINABLE SOLUTION. THERE ARE ALSO TARGETED ASSISTANCE

PROGRAMS TO SCHOOL SYSTEMS, TO HELP MOVE CHILDREN OUT OF CHILD LABOR.

DARLENE ADKINS

24. DARLENE ADKINS, FROM THE CHILD LABOR COALITION, STRESSED THAT CHILDREN ARE OFTEN PREFERRED WORKERS. THEY ARE CHEAPER, EASIER TO CONTROL, EXPENDABLE. NGOS SPOTLIGHT PROBLEMS. WE DO NOT WANT CHILDREN ENDING UP IN EVEN WORSE CONDITIONS. LAST YEAR THERE WAS A GLOBAL MARCH AGAINST CHILD LABOR. IT WAS A SIX-MONTH MARCH THROUGH 62 COUNTRIES IN AFRICA, EUROPE, ASIA AND THE AMERICAS, INCLUDING IN WASHINGTON, D.C. THE NEW ILO CONVENTION IS ACTION-ORIENTED. WE WANTED TO BAN ANY WORK, WHICH DENIES ACCESS TO FREE EDUCATION. THIS WAS NOT INCLUDED. BUT THE CONVENTION REFERS TO EDUCATION. WE WANT RATIFICATION BY THE US. WE HAVE OUR OWN PROBLEMS IN THE US. 800 THOUSAND CHILDREN ARE IN THE FIELDS OF THE US AS MIGRANT WORKERS. OUR OWN CHILD LABOR LAWS ARE NOT ADEQUATE TO PROTECT THESE CHILDREN. A TEN-YEAR OLD UNDER US LAW CAN WORK IN THE FIELDS. THERE ARE EXEMPTIONS UNDER THE LAW FOR AGRICULTURAL FARM WORKERS WITH RESPECT TO SCHOOLING. THE RATE OF SCHOOL ENROLLMENT FOR FARM CHILDREN IS LOW WITH ABOUT A 45 PERCENT DROPOUT RATE. THERE HAS BEEN CONSUMER AND COMMUNITY ACTIVISM. THE ACTIVISM IS IMPACTING GOVERNMENTS AND INDUSTRIES OVERSEAS. ONE EXAMPLE IS THE VOLUNTARY RUGMARK PROGRAM, NOW UNDERWAY IN INDIA, NEPAL AND PAKISTAN. ON CAMPUSES, THERE ARE OVER 100 UNIVERSITIES IN THE APPAREL INDUSTRY PARTNERSHIP (AIP). IN QUINCY, MASSACHUSETTS, A MIDDLE SCHOOL RAISED OVER 100,000 DOLLARS

TO BUILD A SCHOOL IN PAKISTAN. 298 CHILDREN NOW ATTEND THIS SCHOOL.

COMMENTS AND QUESTIONS

25. JAMES EHRMAN (LABOR COUNSELOR, ROME): NO COUNTRY THAT HAS AN ADULT LITERACY RATE OF 30-40 PERCENT CAN HOPE TO CLIMB OUT OF UNDERDEVELOPMENT. CHILDREN HAVE TO HAVE AN ADEQUATE EDUCATION. MILLIONS OF CHILDREN'S LIVES ARE BEING WASTED IN CHILDHOOD. EMBASSIES MUST BE KEPT INFORMED OF PROJECTS. NICK STIGLIANI STATED THAT DRL/IL WILL KEEP EMBASSIES INFORMED.

26. BILL LUCY (AFSCME, MEMBER OF THE ADVISORY COMMITTEE ON LABOR DIPLOMACY): THERE SHOULD BE A "NO CHILD LABOR" CLAUSE IN DEVELOPMENT PROJECTS OVERSEAS.

27. SARAH ROSEN WARTELL: THE PRESIDENT SAYS THAT THIS MUST BE A JOINT EFFORT BY OTHER COUNTRIES AND THE US. IT IS NOT JUST US. IT IS MULTILATERAL. THE SUCCESS OF IPEC PROGRAMS CAN LEAD TO A SIMILAR APPROACH IN OTHER AREAS SUCH AS THE PROMOTION OF CORE LABOR STANDARDS, SOCIAL SAFETY NET ISSUES. THE US WOULD LIKE TO SEE A NEW ARM OF ILO LIKE IPEC. THE PRESIDENT ASKED FOR 25 MILLION DOLLARS FROM CONGRESS AS AN INITIAL CONTRIBUTION TO A PROGRAM THAT WOULD ASSIST COUNTRIES IN IMPLEMENTING OTHER CORE LABOR STANDARDS.

28. JOHN LONG (LABOR COUNSELOR, GENEVA): THE US CONTRIBUTION TO IPEC HAS SPURRED INTEREST BY THE UK, SWEDEN, AND FRANCE AND OTHERS COUNTRIES. GERMANY HAS LONG BEEN A MAJOR DONOR TO IPEC.

29. ALDEN IRONS (DRL/IL, DEPUTY DIRECTOR): WE NEED TO CONVINCING THE COUNTRIES WHERE CHILD LABOR IS PREVALENT THAT THIS IS A PRIORITY. PAKISTAN SPENDS ABOUT ONE PERCENT ON EDUCATION AND SOME 40 PERCENT ON THE MILITARY. WE NEED TO DEVELOP A DIPLOMATIC STRATEGY TO HAVE COUNTRIES CHANGE THEIR PRIORITIES. FAMILIES HAVE AN IMMEDIATE SHORT-TERM PRIORITY. HAVE TO RECONCILE SHORT-TERM THINKING (SURVIVAL) WITH LONG-TERM THINKING.

ROLE OF USAID IN PROMOTING LABOR STANDARDS

PRESENTER: MICHAELA MEEHAN, ON LOAN TO USAID FROM THE DEPARTMENT OF LABOR

30. MS. MEEHAN OPENED WITH BRIEF OVERVIEW OF USAID'S CENTER FOR DEMOCRACY AND GOVERNANCE, NOTING THAT THE CENTER IS A NEW ORGANIZATION, HAVING BEEN IN EXISTENCE FOR 5 YEARS. ITS FOCUS IS TO PROVIDE STRATEGIC SUPPORT AND INTELLECTUAL LEADERSHIP TO ENHANCE THE EFFECTIVENESS OF USAID'S GROWING DEMOCRACY AND GOVERNANCE PORTFOLIO THROUGH TECHNICAL LEADERSHIP AND DIRECT PROGRAM MANAGEMENT.

31. THE CENTER'S OPERATION AND STRUCTURE REFLECT FOUR

DEMOCRACY OBJECTIVES:

- TO STRENGTHEN THE RULE OF LAW AND RESPECT FOR HUMAN RIGHTS;
- TO ESTABLISH MORE DEMOCRATIC ELECTIONS AND COMPETITIVE POLITICAL PROCESSES;
- TO INCREASE THE DEVELOPMENT OF A POLITICALLY ACTIVE AND CAPABLE CIVIL SOCIETY;

- TO HAVE MORE TRANSPARENT AND ACCOUNTABLE GOVERNMENT INSTITUTIONS.

32. USAID RECOGNIZES ORGANIZED LABOR AS AN IMPORTANT PLAYER IN ACHIEVING THE ABOVE OBJECTIVES. IT BELIEVES THAT THE HALLMARK OF A FREE SOCIETY IS THE ABILITY OF INDIVIDUALS TO ASSOCIATE WITH LIKE-MINDED INDIVIDUALS TO EXPRESS THEIR VIEWS PUBLICLY, TO OPENLY DEBATE PUBLIC POLICY, TO PETITION THEIR GOVERNMENT, AND TO HAVE THEIR OPINIONS TAKEN INTO CONSIDERATION IN THE FORMULATION AND IMPLEMENTATION OF PUBLIC POLICY.

33. CIVIL SOCIETY IS THE TERM THAT BEST DESCRIBES THE NON-GOVERNMENTAL, INDEPENDENT NATURE OF THIS SEGMENT OF SOCIETY. USAID'S CIVIL SOCIETY ACTIVITIES ENABLE THESE ORGANIZATIONS TO ADVOCATE POLICY REFORMS ON TWO LEVELS:
-- FIRST, BY ENCOURAGING THE DEVELOPMENT OF AN ENABLING ENVIRONMENT;
-- SECOND, BY ASSISTING GROUPS TO BECOME FINANCIALLY VIABLE AND SELF-SUFFICIENT.

34. THE CENTER'S FIELD SUPPORT IS PRIMARILY DIRECTED TO USAID MISSIONS, BUT IT OFFERS TECHNICAL EXPERTISE TO LABOR OFFICERS THROUGH THEIR WRITTEN DOCUMENTS. (DEMOCRACY DIALOGUE, MORE IN-DEPTH RESEARCH AND GUIDANCE IN TECHNICAL PUBLICATIONS.) TOPICS INCLUDE ALTERNATIVE DISPUTE RESOLUTION, CIVIL-MILITARY RELATIONS, AND POLITICAL PARTY DEVELOPMENT.

35. OUTLINE OF SPECIFIC COMPONENTS OF USAID'S LABOR PORTFOLIO INCLUDES:

- STRENGTHENING RESPECT FOR WORKER RIGHTS AS A FUNDAMENTAL ASPECT OF THE PROTECTION OF HUMAN RIGHTS;
- ENHANCING THE RELATIONSHIP OF CORE LABOR STANDARDS TO TRADE NEGOTIATION: DEVELOPING COUNTRIES FIND ACCESS TO SOME MARKETS LIMITED BECAUSE OF INADEQUATE PROTECTION OF WORKER RIGHTS. INADEQUATE PROTECTION AFFECTS A COUNTRY'S ABILITY TO ACHIEVE SUSTAINABLE DEVELOPMENT. US GSP AND CBI BOTH REQUIRE THAT DEVELOPING COUNTRIES SEEKING TRADE PREFERENCES COMPLY WITH BASIC PROTECTION OF WORKER RIGHTS. NAFTA INCLUDES A SIDE AGREEMENT ON WORKER RIGHTS. FUTURE REGIONAL AGREEMENTS INCLUDING THE FTAA MAY OR MAY NOT INCLUDE SUCH CONDITIONS. FOR EXAMPLE, THE FREE TRADE AGREEMENT OF THE AMERICAS (FTAA) NEGOTIATIONS ARE UNDERWAY, AND INCLUSION OF A SOCIAL CLAUSE IS STILL AN OPEN QUESTION.
- DEVELOPING COUNTRIES ARE THE TARGET OF USAID ASSISTANCE. FOR THEM TO SUCCESSFULLY COMPETE IN GLOBAL MARKETS, THEIR EXPORTS MUST MEET HIGH QUALITY STANDARDS DEMANDED BY THOSE MARKETS. THIS REQUIRES IMPROVED LABOR

RELATIONS, GOOD COMMUNICATION WITH WORKERS, GREATER INVESTMENT IN HUMAN CAPITAL, HIGH WORKER MORALE, AND WORKER COMPENSATION COMMISERATE WITH PRODUCTIVITY GAINS. MUCH OF USAID'S WORK RESPONDING TO THESE ISSUES IS ACCOMPLISHED THROUGH A GRANT TO AMERICAN CENTER FOR INTERNATIONAL LABOR SOLIDARITY -- THE AFL-CIO'S SOLIDARITY CENTER.

-- SUSAIID IS PLANNING TO FUND PROGRAMS DEVELOPED BY THE INTERNATIONAL LABOR RIGHTS FUND (ILRF) TO TRAIN INDEPENDENT THIRD PARTY MONITORS IN ONE COUNTRY IN ASIA AND ONE IN LATIN AMERICA. (THE COUNTRIES ARE YET TO BE DETERMINED.) SHE WOULD WELCOME RECOMMENDATIONS ON WHERE TO OPERATE THE PROGRAM.

-- USAID IS ALSO CONTRIBUTING TO THE ESTABLISHMENT OF THE FAIR LABOR ASSOCIATION (FLA), WHICH WILL BE LAUNCHED IN SEPTEMBER AS THE OPERATIONAL ARM OF THE APPAREL INDUSTRY PARTNERSHIP (AIP).

36. MS. MEEHAN CLOSED BY ENCOURAGING LABOR OFFICERS STATIONED OVERSEAS TO REACH OUT TO USAID'S DEMOCRACY AND GOVERNANCE OFFICERS AND THE AFL-CIO'S SOLIDARITY CENTER REPRESENTATIVES IN THEIR HOST COUNTRIES.

37. DURING THE QUESTION AND ANSWER PERIOD, THERE WERE MORE SPECIFIC QUESTIONS ABOUT THE FLA. MS. MEEHAN EXPLAINED THAT FLA WILL BECOME THE OPERATIONAL ARM OF THE AIP. ALSO, THERE WAS DISCUSSION ABOUT THE REVIEW PROCESS FOR IFI PROJECTS, WHETHER THEY HAVE LABOR COMPONENTS, AND WHO DEALS WITH THE REVIEW PROCESS.

NEW TOOLS FOR LABOR DIPLOMACY

SPEAKERS: JAKE ALLER, DRL/IL; STEVE MARLER, DOL/ILAB

38. MR. ALLER PROVIDED A RUNDOWN OF INTERNET WEBSITES COVERING INTERNATIONAL LABOR ISSUES, AND DISTRIBUTED A HARD COPY LIST OF SITES. AMONG HIS RECOMMENDATIONS:

THE LONDON-BASED LABOURSTART ([HTTP://WWW.LABOURSTART.ORG](http://www.labourstart.org)) FEATURING EXTENSIVE LINKS AND DAILY UPDATES OF LABOUR NEWS WORLDWIDE, AND THE SIMILAR LABOURNET ([WWW.LABOURNET.ORG](http://www.labournet.org)); CYBERPICKETLINE ([WWW.EF.AC.UK](http://www.ef.ac.uk)), A DIRECTORY OF GLOBAL LABOR ACTIONS; NEWSNOW ([WWW.NEWSNOW.CO.UK](http://www.newsnow.co.uk)), ALSO REACHABLE VIA LABOURSTART, WHICH UPDATES LABOR NEWS EVERY FIVE MINUTES; CORPORATE WATCH ([WWW.CORPWATCH.ORG](http://www.corpwatch.org)), WHICH MONITORS CORPORATE SOCIAL RESPONSIBILITY KEY ORGANIZATIONAL SITES INCLUDE THOSE OF THE INTERNATIONAL LABOR ORGANIZATION ([WWW.ILO.ORG](http://www.ilo.org)); INTERNATIONAL CONFEDERATION OF FREE TRADE

UNIONS ([WWW.ICFTU.ORG](http://www.icftu.org)); U.S. FEDERAL MEDIATION AND CONCILIATION SERVICE ([WWW.FMCS.GOV](http://www.fmcs.gov)); PLUS ([WWW.STATE.GOV](http://www.state.gov)), ([WWW.USIS.GOV](http://www.usis.gov)), AND ([WWW.WHITEHOUSE.GOV.](http://www.whitehouse.gov))

39. MR. ALLER CAUTIONED THAT SOME "NEWS" SITES ARE MAINTAINED BY GROUPS WITH A POLITICAL SLANT; SOME IDENTIFY THEIR SPONSOR (AND BY IMPLICATION, THEIR AGENDA); SOME DO NOT. CAVEAT SURFER.

40. DOL/ILAB'S STEVE MARLER PRESENTED THE DEPARTMENT OF

LABOR'S MAIN WEBSITE (DOL.GOV) AND THE RELATED SITE OF THE BUREAU OF LABOR STATISTICS (BLS.GOV). HE NOTED THAT WHILE MANY DOL DOCUMENTS AND REPORTS ARE AVAILABLE ON LINE, OTHER PUBLICATIONS MUST BE ORDERED THROUGH THE GOVERNMENT PRINTING OFFICE. MARLER REPORTED THAT DOL WAS GAUGING DEMAND FOR A GLOBAL INTRANET FOR LABOR OFFICERS, WHICH WOULD FEATURE AN ONLINE "CHATROOM," AND ENCOURAGED INTERESTED LABOR OFFICERS TO CONTACT ALLER OR DOL'S BILL BRUMFIELD.

41. NOTE: COPIES OF DRL/IL'S LABOR INTERNET DIRECTORY ARE AVAILABLE FROM DRL/IL JAKE ALLER. WE HOPE TO BE ABLE TO PUT THE DIRECTORY ON THE DRL WEB PAGE IN THE NEAR FUTURE. WE HAVE ESTABLISHED AN UNCLASSIFIED AND CLASSIFIED GLOBAL E-MAIL MAILING LIST. TO SEND E-MAIL TO LABOR OFFICERS ON THE DEPARTMENT'S CLASSIFIED SYSTEM, TYPE "LABOR" IN THE GLOBAL DIRECTORY TO FIND LABOR LISTS BY REGION AS WELL AS A GLOBAL LIST. THE SAME LIST IS AVAILABLE ON THE DEPARTMENT'S UNCLASSIFIED VERSION, BUT YOU MUST TYPE (DRL) FIRST, AND THEN SCROLL DOWN TO THE MIDDLE OF THE DRL LISTINGS. TWO FURTHER SEPTELS WILL REPORT ON ADDITIONAL PANELS.
ALBRIGHT

SECT: SECTION: 01 OF 01
SSN: 3374
TOR: 991013172139 M4095333
DIST:
SIT: NSC

Cable

PREC: IMMEDIATE
CLASS: UNCLASSIFIED
LINE1: OAAUZYUW RUEHCAA4718 2880149-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
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OSRI: RUEHC
DTG: 150146Z OCT 99
ORIG: SECSTATE WASHDC
TO: RUEHSW/AMEMBASSY BERN IMMEDIATE 0000
 RUEHGV/USMISSION GENEVA IMMEDIATE 0000
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 ALL EUROPEAN UNION POST COLLECTIVE IMMEDIATE
 RUEHBS/USEU BRUSSELS IMMEDIATE
 RUEHSF/AMEMBASSY SOFIA IMMEDIATE 0000
INFO: RUEHUP/AMEMBASSY BUDAPEST IMMEDIATE 0000
 RUEHCH/AMEMBASSY CHISINAU IMMEDIATE 0000
 RUEHNY/AMEMBASSY OSLO IMMEDIATE 0000
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 RUEHPG/AMEMBASSY PRAGUE IMMEDIATE 0000
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 RUEHSQ/AMEMBASSY SKOPJE IMMEDIATE 0000
 RUEHTI/AMEMBASSY TIRANA IMMEDIATE 0000
 RUEHKO/AMEMBASSY TOKYO IMMEDIATE 0000
 RUEHWR/AMEMBASSY WARSAW IMMEDIATE 0000
 RUEHVB/AMEMBASSY ZAGREB IMMEDIATE 0000
 RUEHNO/USMISSION USNATO IMMEDIATE 0000
SUBJ: STABILITY PACT'S ROAD TO GENEVA

 SUMMARY

TEXT:
 UNCLAS STATE 194718

 E.O. 12958: N/A
 TAGS: ECON, KCRM, MCAP, PINS, PREL
 SUBJECT: STABILITY PACT'S ROAD TO GENEVA

 SUMMARY

1. OUR GOAL FOR THE OCTOBER 18-19 WORKING TABLE ON
 DEMOCRATIZATION AND HUMAN RIGHTS IS TO ACHIEVE CONCRETE RESULTS
 TO HELP ADVANCE DEMOCRATIC REFORM AND RESPECT FOR HUMAN RIGHTS
 IN THE REGION. THE WORKING TABLE MUST ESTABLISH PRIORITIES

AMONG CURRENT OR PROJECTED INITIATIVES AND MAKE THE BEST USE OF EXISTING EXPERTISE AND STRUCTURES. A PRECISE CALENDAR OF WORK HAS TO BE SET IN GENEVA AND SOME CONCRETE ACHIEVEMENTS MUST BE REALIZED IN TIME TO PRESENT THEM AT THE ISTANBUL OSCE SUMMIT.

2. INCREASED COOPERATION AMONG THE COUNTRIES OF THE REGION AND THE ACTIVE PARTICIPATION OF NGOS, FOUNDATIONS AND OTHER RELEVANT ELEMENTS OF CIVIL SOCIETY WILL BE KEY ELEMENTS FOR ACHIEVING CONCRETE AND PERMANENT RESULTS. THE CONTRIBUTION OF NGOS AND FOUNDATIONS ARE OF GREAT IMPORTANCE. WE WILL WORK TO ASSOCIATE THEM CLOSELY TO THE TABLE'S WORK.

3. THE DISCUSSION ON THE SPECIAL ANTICORRUPTION INITIATIVE STARTED IN WORKING TABLES 2 AND 3 AT BARI AND OSLO SHOULD CONTINUE IN GENEVA WITH A SPECIAL REFERENCE TO MATTERS RELATED TO GOOD GOVERNANCE. END SUMMARY.

4. ACTION REQUESTED: ACTION POSTS ARE REQUESTED TO DELIVER THE FOLLOWING US VIEWS ON THE OCTOBER 18-19 STABILITY PACT HUMAN RIGHTS AND DEMOCRATIZATION WORKING TABLE MEETING IN GENEVA, BASED ON THE AGENDA PROPOSED BY CHAIRMAN MAX VAN DER STOEL IN HIS LETTER OF OCTOBER 13. THE HAGUE IS REQUESTED TO SHARE US VIEWS WITH TABLE CHAIRMAN. US DELEGATION IN BRUSSELS IS REQUESTED TO SHARE THESE VIEWS WITH STABILITY PACT SPECIAL COORDINATOR OFFICE. EMBASSIES SOFIA AND BUCHAREST SHOULD BRIEF HOST GOVERNMENT ON OUR THINKING REGARDING THE DEMOCRACY AND NGO CENTERS PROPOSED FOR SOFIA AND TIMISOARA. (SEE PARA A UNDER WORKING SESSION THREE - GOVERNANCE BELOW.)

-- FYI, EUR DAS DISCUSSED SUCH SPECIALIZATION WITH PRESIDENTIAL ADVISER ZOE PETRE ON 10/14 AND SHE ENDORSED THIS APPROACH. EMBASSY SOFIA SHOULD NOTE OUR INTEREST IN FOCUSING SOFIA DEMOCRACY CENTER ON AREA IN WHICH SOFIA HAS SPECIAL EXPERIENCE TO OFFER SERB OPPOSITION LEADERSHIP, SUCH AS LOCAL GOVERNANCE AND ECONOMIC PUBLIC POLICY.

5. IN GENERAL, WE AGREE WITH THE CHAIRMAN'S INCLINATION THAT THE WORKING TABLE SHOULD BUILD PRIMARILY ON EXISTING EXPERTISE AND AVOID DUPLICATION, THAT ITS ADMINISTRATIVE STRUCTURES MUST BE KEPT TO AN ABSOLUTE MINIMUM, AND THAT THE TABLE'S PROGRAMS MUST BE DEMAND-DRIVEN. OUR PRIORITIES AND IDEAL OUTCOME ON VARIOUS ITEMS OF THE AGENDA ARE THE FOLLOWING.

AIMS OF WORKING TABLE I: WORKING METHODS AND STRUCTURES

-- WE STRONGLY RECOMMEND THAT THE STABILITY PACT'S ANTI-CORRUPTION INITIATIVE ALSO BE INCLUDED IN THE SESSION COVERING GOVERNANCE;

-- WE EXPECT THE GENEVA MEETING TO DEVELOP A LIST OF CONCRETE THINGS THAT CAN BE DONE OVER THE SHORT AS WELL AS THE LONGER TERMS. WE NEED TO HAVE SOME DELIVERABLES BY THE TIME OF THE ISTANBUL SUMMIT; AND

-- NGOS MUST BE INTEGRATED INTO THE WORKING TABLE PROCESS IF WE ARE TO CAPITALIZE ON THE EXTENSIVE RESOURCES AND EXPERTISE THEY

ENJOY AND THE NETWORKS THEY HAVE DEVELOPED ON THESE ISSUES. WE RECOMMEND THAT EACH OF THE TASK FORCES ENVISIONED IN THE ANNOTATED AGENDA HAVE AT LEAST ONE NGO PARTICIPANT (WHO MAY BE NOMINATED BY THE NGOS THEMSELVES).

WORKING SESSION ONE: RULE OF LAW

A) HUMAN RIGHTS AND NATIONAL MINORITIES

OUR PRIORITY IS TO PROMOTE THE RIGHTS AND PROTECTION OF PERSONS BELONGING TO ETHNIC MINORITIES. WE SUPPORT THE SYSTEMATIC REVIEW OF THE COMMITMENTS MADE IN THIS FIELD BY THE COUNTRIES OF THE REGION IN THE RELEVANT ARRANGEMENTS AND ORGANIZATIONS. WE CONCUR WITH THE CHAIRMAN THAT NO ADDITIONAL ORGAN IS REQUIRED TO PERFORM THESE TASKS. WHILE WE CAN SUPPORT THE CHAIR'S CALL FOR AN INFORMATION GATHERING TOUR OF STATES OF THE REGION, WE WOULD NOT WANT IT TO BE A FINGER-POINTING EXERCISE, BUT RATHER WANT IT TO IDENTIFY AND PUBLICIZE BEST PRACTICES FOUND IN THE REGION (AND ELSEWHERE) AND TO ENCOURAGE THE COUNTRIES OF THE REGION TO ADOPT THEM.

B) ROMA AND SINTI

THE SITUATION OF ROMA AND SINTI POPULATIONS IS A SUBSET OF THE NATIONAL MINORITIES QUESTION AND SHOULD BE ADDRESSED IN THE SAME CONTEXT.

C) OMBUDSMAN AND OTHER NATIONAL HUMAN RIGHTS AND MINORITY RIGHTS PROTECTION INSTITUTIONS

WE ARE IN FAVOR OF THE CREATION OF A NETWORK OF OMBUDSMEN AND CAN SUPPORT AN ACTIVIST COUNCIL OF EUROPE (COE) INITIATIVE TO THIS END. WE WOULD HOPE THAT ALL THE STABILITY PACT MEMBER STATES FROM SOUTHEAST EUROPE (INCLUDING THOSE WHICH MAY NOT CURRENTLY HAVE HUMAN RIGHTS OMBUDSMEN) WILL BE INVITED TO SUCH A COE GATHERING. SUCH AN APPROACH MIGHT ENCOURAGE COUNTRIES WHICH DO NOT CURRENTLY HAVE HUMAN RIGHTS OMBUDSMEN TO EXAMINE THE MODEL AND CONSIDER ITS VALUE AND THAT THE COE WOULD BE PREPARED IN GENEVA TO DISCUSS CONCRETE OUTCOMES

WORKING SESSION TWO: RETURN

OUR OBJECTIVE IS TO GET A STATEMENT ON THE NEED FOR LASTING SOLUTIONS TO THE REGION'S SEVERAL REFUGEE SITUATIONS, ESPECIALLY KOSOVO, BOSNIA--HERZEGOVINA, CROATIA AND SERBIA. WE WELCOME A PRESENTATION BY UNHCR. THE FOLLOWING ISSUES SHOULD BE ADDRESSED DURING THE DISCUSSION: PROTECTION OF MINORITIES IN KOSOVO, MINORITY RETURNS AS A CONDITION TO STABLE REGIONAL RELATIONSS WINTERIZATION, LOCAL PROCUREMENT, SUSTAINABILITY, COORDINATION OF THE INITIATIVES, PSYCHO-SOCIAL ASSISTANCE, WOMEN'S ISSUES, AND TRANSITION TO RECONSTRUCTION.

WORKING SESSION THREE: GOVERNANCE

A) LOCAL GOVERNMENT

THE DEVELOPMENT OF EFFECTIVE, DEMOCRATIC MUNICIPAL GOVERNANCE IS AN IMPORTANT FOCUS OF THE STABILITY PACT. RATHER THAN CONCENTRATING ON INITIATIVES AIMED AT DEMOCRATIC MUNICIPALITIES IN YUGOSLAVIA, WE WOULD SUGGEST A FOCUS ON DEVELOPING AND SUPPORTING INITIATIVES TO ASSIST INFORMATION EXCHANGE AND TECHNICAL ASSISTANCE TO MUNICIPALITIES THROUGHOUT SOUTHEAST EUROPE, WITH THESE INITIATIVES OPEN TO DEMOCRATIC MUNICIPALITIES FROM YUGOSLAVIA. IN ADDITION, WE WOULD LIKE THE WORKING TABLE TO ENDORSE THE PROCESS BEGUN IN SZEGED, WHICH FOCUSED ON DEMOCRATIC PROGRESS IN SERBIAN MUNICIPALITIES. THIS PROCESS CONTINUES TO HAVE RELEVANCE IN NEIGHBORING COUNTRIES' EFFORTS TO FACILITATE DEMOCRATIC GOVERNANCE. WE WELCOME THE PROPOSALS FROM ROMANIA AND BULGARIA TO CREATE DEMOCRACIES NGO CENTERS IN THE CONTEXT OF THE STABILITY PACT. THESE INITIATIVES SHOULD BE DEVELOPED FURTHER, WITH AN EYE TO ASSURING THAT THEY ARE

COORDINATED AND DO NOT OVERLAP. IN ORDER TO AVOID DUPLICATION WE WOULD FAVOR EACH OF THESE CENTERS SPECIALIZING IN CERTAIN ACTIVITIES. FOR EXAMPLE ROMANIA'S CENTER COULD BE FOCUSED ON MEDIA TRAINING -- AN AREA IN WHICH TIMISOARA OFFERS SEVERAL ADVANTAGES -- WHILE BULGARIA'S CENTER COULD CONCENTRATE ON GOOD GOVERNANCE AND PUBLIC POLICY. WE WOULD LIKE THE WORKING TABLE TO ENDORSE THESE PROPOSALS AS WELL. WE ALSO SUPPORT THE JOINT EFFORTS OF THE COUNCIL OF EUROPE IN DEVELOPING A REGIONAL LOCAL GOVERNMENT INFORMATION NETWORK.

B) PARLIAMENTARY CO-OPERATION IS A USEFUL MEANS TO DEVELOP A CLEAR UNDERSTANDING OF DEMOCRATIC PROCESS. WE UNDERSTAND COUNCIL OF EUROPE WILL TAKE LEAD, AND HOST A MEETING IN SOFIA ON NOVEMBER 25. A CAREFUL SCREENING OF THE PARTIES INVOLVED WOULD BE IMPORTANT. SERBIAN GOVERNING PARTIES ARE FUNDAMENTALLY UNDEMOCRATIC. REPRESENTATIVES FROM THESE PARTIES (SPS, JUL, AND SRS) SHOULD NOT BE INVITED TO ATTEND THE SOFIA MEETING.

C) GENDER

IT IS IMPORTANT TO FACILITATE A BROADER PARTICIPATION BY WOMEN IN POLITICAL LIFE AND WE FAVOR THE OSCE'S INITIATIVE TO SUPPORT THE EFFORTS MADE BY THE NGOS OPERATING IN THIS FIELD. THE UNITED STATES REGARDS THE PROBLEM OF TRAFFICKING -- PARTICULARLY IN WOMEN AND CHILDREN PLACED IN SITUATIONS OF SLAVERY-LIKE CONDITIONS, FORCED LABOR OR SERVICES, SUCH AS FORCED PROSTITUTION OR SEXUAL SERVICES, DOMESTIC SERVITUDE, BONDED SWEATSHOP LABOR OR OTHER DEBT BONDAGE-AS ONE WHICH COULD BE ADDRESSED IN SOME MANNER BOTH IN THE DEMOCRATIZATION/HUMAN RIGHTS AND THE SECURITY WORKING TABLES.

WORKING SESSION FOUR: CIVIL SOCIETY

A) MEDIA

THIS ITEM IS A KEY ELEMENT IN THE PROCESS OF DEMOCRATIZATION IN THE REGION AND WE WELCOME THE IMPLEMENTATION OF A COORDINATED ACTION PLAN. CONCERNING THE BRITISH PROPOSAL FOR A MEDIA CHARTER, WE ARE SEEKING AN AGREEMENT ON A DRAFT THAT (A) AVOIDS EXCESSIVE GOVERNMENT INVOLVEMENT, (B) DOES NOT CREATE UNNECESSARY NEW STRUCTURES, AND (C) RECOGNIZES THE IMPORTANCE OF THE INDEPENDENT MEDIA. WE SUPPORT THE MEDIA TRAINING CENTERS ALREADY OPERATING IN THE REGION.

B) CIVIC EDUCATION

WE WILL SUPPORT APPROVAL OF EXISTING PROJECTS THAT MAY BE PRESENTED WITHIN THE FRAMEWORK OF THE ROYAUMONT PROCESS, INCLUDING REGIONAL MEETINGS OF EXPERTS DEVOTED TO SETTING NORMS FOR HISTORY TEXTS. WE MAY ALSO DISCUSS THE DEVELOPMENT OF A MODEL HISTORY CURRICULUM AND THE GRAZ PROCESS/COE PROPOSAL TO DEVELOP RESOURCE CENTERS IN CIVIC EDUCATION WHICH WOULD INCLUDE THE ISSUE OF HISTORY TEACHING. WITH OTHER COUNTRIES AND WITH INTERNATIONAL ORGANIZATIONS CHILDREN TELEVISION PILOT PROJECT WHOSE GOAL WAS TO PROMOTE INTERCULTURAL UNDERSTANDING.
TALBOTT

SECT: SECTION: 01 OF 01

SSN: 4718

TOR: 991014215123 M4098175

DIST:

SIT: HILLC HOLTZAPPLE K Aidanow SAPIRO VONLIPSEY
SIT: NSC

Cable

PREC: IMMEDIATE
CLASS: UNCLASSIFIED
LINE1: OAAUZYUW RUEHLPA5134 2951040-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: O 221040Z OCT 99
LINE4: FM AMEMBASSY LA PAZ
OSRI: RUEHLP
DTG: 221040Z OCT 99
ORIG: AMEMBASSY LA PAZ
TO: RUEHC/SECSTATE WASHDC IMMEDIATE 1987
INFO: RUEHXI/LABOR COLLECTIVE
 RUEHAC/AMEMBASSY ASUNCION 0598
 RUEHBR/AMEMBASSY BRASILIA 1233
 RUEHPE/AMEMBASSY LIMA 4266
 RUEHMN/AMEMBASSY MONTEVIDEO 0396
 RUEHQT/AMEMBASSY QUITO 8999
 RHFJUSC/US CUSTOMS SERVICE WASHDC
 RUEATRS/DEPT OF TREASURY WASHDC
SUBJ: BOLIVIA: CHILD LABOR PROCUREMENT ISSUE
TEXT: UNCLAS LA PAZ 005134

STATE FOR WHA/AND, WHA MUTH, DRL/IL JALLER, DRL/BA
 DEPT OF LABOR FOR ILAB/ICLP MARCIA EUGENIO
 MONTEVIDEO FOR CUSTOMS ATTACHE EDWIN RODRIGUEZ

SENSITIVE

E.O. 12958: N/A
 TAGS: ELAB, ETRD, PHUM, PGOV, PREL, SOCI, SNAR, US, BL
 SUBJECT: BOLIVIA: CHILD LABOR PROCUREMENT ISSUE

REFS: A) STATE 195550; B) LA PAZ 004047; C) LA PAZ 004222

1. (U) SENSITIVE BUT UNCLASSIFIED; PLEASE TREAT ACCORDINGLY.

SUMMARY

2. (SBU) MOST CHILD LABOR IN BOLIVIA IS VOLUNTARY, BUT THERE HAVE BEEN REPORTS OF FORCED CHILD LABOR IN AREAS SUCH AS DOMESTIC SERVICE AND AGRICULTURE. WE AS YET HAVE NOT BEEN ABLE TO IDENTIFY SPECIFIC PRODUCTS MADE WITH FORCED CHILD LABOR, BUT POST PLANS WITH THE ASSISTANCE OF THE REGIONAL U.S. CUSTOMS ATTACHE, AND IN COOPERATION WITH THE GOB -- WHOSE POLICY IS TO ELIMINATE THE WORST FORMS OF CHILD LABOR -- TO UNDERTAKE A LONG-TERM INVESTIGATION INTO FORCED CHILD LABOR AND ITS PRODUCTS HERE. END SUMMARY.

3. (U) WHILE LA PAZ IS NOT AN ACTION ADDRESSEE ON REF A, AND WE HAVE AS YET NOT BEEN ABLE TO IDENTIFY SPECIFIC PRODUCTS MADE WITH FORCED CHILD LABOR HERE, THE FOLLOWING MAY BE OF INTEREST.

FORCED OR INDENTURED CHILD LABOR IS NOT UNKNOWN IN BOLIVIA, AS NOTED IN SUCCESSIVE POST HUMAN RIGHTS REPORTS. MOST CHILD LABOR HERE (REF C) IS VOLUNTARY AND DUE TO ECONOMIC CONSTRAINTS, I.E., THE POVERTY OF FAMILIES OR THE SITUATION OF INDIVIDUAL CHILDREN, WHO MAY BE ORPHANED, OR EVEN ABANDONED BY THEIR PARENTS.

4. (SBU) HOWEVER, THERE HAVE BEEN FREQUENT REPORTS OF BOLIVIAN MINORS EMPLOYED IN SWEATSHOP CONDITIONS OR WORSE IN ARGENTINA AND BRAZIL. JAVIER SANCHEZ DE LOZADA, A YOUNG AND PROGRESSIVE LA PAZ ATTORNEY WITH FAMILY TIES TO THE FORMER GOB LEADERSHIP, AND JAVIER JIMENEZ, AN ENTREPRENEUR IN COCHABAMBA, TOLD LABATT OCT. 19 THAT MANY OF THESE YOUNG EMIGRANTS ARE OF RURAL ORIGIN AND LURED TO BOLIVIA'S MORE PROSPEROUS NEIGHBORS BY THE MISTAKEN BELIEF THAT THEY CAN EARN HIGH SALARIES THERE. IN ADDITION, THEY CLAIMED THAT SWEATSHOP CONDITIONS EXISTED IN BOLIVIA'S CITIES THEMSELVES, ESPECIALLY IN SMALL TEXTILE FACTORIES OWNED AND RUN BY MEMBERS OF BOLIVIA'S LARGE KOREAN IMMIGRANT COMMUNITY, WHICH THEY SAID EMPLOYED MINORS AND WOMEN IN PARTICULAR. (NOTE: THIS IS THE FIRST WE HAVE HEARD OF THIS PRACTICE, ALTHOUGH THE KOREAN COMMUNITY IS KNOWN TO BE VERY ACTIVE IN THE TEXTILE BUSINESS.)

5. (SBU) MEANWHILE, THE GOB HAS RECENTLY COMMITTED ITSELF TO IMPROVING THE DIFFICULT LOCAL CHILD LABOR SITUATION (REF C), BY FIRST CONCENTRATING ON ELIMINATING THE "WORST" FORMS OF CHILD LABOR PER THE LAST ILO CONFERENCE IN GENEVA; THIS COMMITMENT EXPLICITLY INCLUDED FORCED CHILD LABOR. IN AN OCTOBER 14 MEETING WITH LABATT AND VISITING U.S. CUSTOMS ATTACHE EDWIN RODRIGUEZ, DR. JAIME ALVAREZ FORTUN, VICE MINISTER OF LABOR FOR LABOR RELATIONS, AND HERIBERTO MAMANI APAKA, VICE MINISTER OF LABOR AND COOPERATIVES, VOICED INTEREST IN U.S. EFFORTS TO ELIMINATE FORCED CHILD LABOR AND PROMISED THEIR SUPPORT IN INVESTIGATING IT IN BOLIVIA. IN THIS CONNECTION THEY AGREED TO FACILITATE A TOUR OF THE COUNTRY AND MEETINGS WITH LOCAL LEADERS -- INCLUDING POSSIBLE SPEAKING ENGAGEMENTS -- FOR CUSTOMS ATTACHE RODRIGUEZ WHEN HE RETURNS TO BOLIVIA LATER THIS YEAR.

6. (SBU) RECENTLY, THERE HAS BEEN A FLURRY OF MEDIA REPORTS OF CHILD PROSTITUTION, ESPECIALLY IN THE CITIES OF COCHABAMBA AND SANTA CRUZ. PROCURERS ARE SAID TO LURK AROUND BUS AND TRAIN STATIONS ON THE LOOKOUT FOR YOUNG PEOPLE ARRIVING IN TOWN FOR THE FIRST TIME, WHOM THEY THEN ENTICE WITH PROMISES OF EMPLOYMENT. COCHABAMBA LABOR LEADER RUBEN CORTEZ CONFIRMED TO LABATT OCT. 18 THESE AND EARLIER PRESS REPORTS THAT IN THE CHAPARE COCA-GROWING AREA THERE EXISTED CHILD PROSTITUTION IN LOCAL BROTHELS, IN ADDITION TO THE USE OF CHILDREN AS COURIERS BY COCOLEROS.

COMMENT

7. (SBU) GOB AUTHORITIES APPEARED TO WELCOME THE PROSPECT OF USG ASSISTANCE IN IDENTIFYING AND ERADICATING THE WORST FORMS OF CHILD LABOR. SINCE MUCH OF BOLIVIAN CHILD LABOR IS LOCATED IN THE REMOTE COUNTRYSIDE, THE WORK OF INVESTIGATION -- PARTICULARLY OF POSSIBLE FORCED CHILD LABOR IN AGRICULTURAL PRODUCTS -- WILL TAKE CONSIDERABLE TIME.

HRINAK

SECT: SECTION: 01 OF 01

SSN: 5134

TOR: 991022064119 M4111395

DIST:

SIT: ARMSTRONG AVERY BABBITT BUSBY FELDMAN GUARNIERI NAPLAN ORFINI
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PREC: ROUTINE
CLASS: UNCLASSIFIED
LINE1: RAAUZYUW RUEHBYA3822 3130454-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: R 090454Z NOV 99
LINE4: FM AMEMBASSY CANBERRA
OSRI: RUEHBY
DTG: 090454Z NOV 99
ORIG: AMEMBASSY CANBERRA
TO: RUEHC/SECSTATE WASHDC 5365
RUEHC/DEPT OF LABOR WASHDC
RUEHJA/AMEMBASSY JAKARTA 3528
RUCNCLC/CHILD LABOR COLLECTIVE
RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE
RUEHBN/AMCONSUL MELBOURNE 3210
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INFO: ////
SUBJ: ARIAT - THE ASIAN REGIONAL INITIATIVE AGAINST
TRAFFICKING IN WOMEN AND CHILDREN
TEXT:
UNCLAS SECTION 01 OF 03 CANBERRA 003822

DEPT FOR DRL/CRA, DRL/IL, S/PICW (CDENNISON) AND INL, CA/FPP

DEPT ALSO FOR EAP/RSP (M.JOHNSON) AND EAP/ANP
LABOR FOR ILAB

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TAGS: PHUM, ELAB, KWMN, PREF, KCRM, SMIG, KFRD, ASEAN, AS
SUBJECT: ARIAT - THE ASIAN REGIONAL INITIATIVE AGAINST
TRAFFICKING IN WOMEN AND CHILDREN

REF: A) STATE 189944 B) STATE 183699 C) CANBERRA 3688
D) SYDNEY 715 E) STATE 84935

1. SUMMARY. THE AUSTRALIAN GOVERNMENT SHARES THE GROWING
INTERNATIONAL CONCERN THAT EFFORTS SHOULD BE UNDERTAKEN TO
COMBAT TRAFFICKING IN WOMEN AND CHILDREN AND IS INTERESTED,
IN PRINCIPLE, IN PARTICIPATING IN ARIAT. THE SITUATION IN
AUSTRALIA IS SIMILAR TO THAT IN THE UNITED STATES (AS
MENTIONED BRIEFLY IN REF B). MOST TRAFFICKING CONSISTS OF
WOMEN FOR THE SEX INDUSTRY; A LIMITED NUMBER OF CHILDREN ARE
TRAFFICKED, PRIMARILY FOR HOMOSEXUAL PROSTITUTION. THERE
IS SOME BONDED LABOR, PRIMARILY IN THE TEXTILE AND
RESTAURANT AND HOSPITALITY SECTORS AND THE SEX INDUSTRY.
THE CRIMINAL CODE AMENDMENT (SLAVERY AND SEXUAL SERVITUDE)
ACT OF 1999 WAS ENACTED IN AUGUST.
END SUMMARY.

EMBASSY COMMENTS ON THE DRAFT AGENDA FOR ARIAT

2. DISCUSSIONS WITH AUSTRALIAN GOVERNMENT AND NGO CONTACTS ON COMBATING TRAFFICKING IN WOMEN AND CHILDREN IS A COMPLEX CHALLENGE THAT WILL REQUIRE A MULTI-PRONG APPROACH. WE NOTE THAT THE DRAFT AGENDA ADDRESSES ALMOST ALL ASPECTS OF THE VARIOUS ISSUES RAISED BY OUR INTERLOCUTORS. THE VARIOUS ISSUES CAN BE DIVIDED INTO THE THREE CATEGORIES (PREVENTION, PROTECTION, AND, PROSECUTION) OUTLINED IN REF.B PLUS AN ADDITIONAL CATEGORY, DETECTION.

3. EMBASSY NOTES HOWEVER, THAT THE COMPREHENSIVE PLAN OUTLINED IN REF.B MAY GO BEYOND THE RESOURCES THAT PARTICIPANT NATIONS CAN OR ARE WILLING TO DEDICATE TO THIS EFFORT. IN THE CASE OF AUSTRALIA, THE GOVERNMENT HAS PARTICIPATED IN SIMILAR EXERCISES, E.G. DRAFTING AND NEGOTIATIONS ON THE CONVENTION ON THE RIGHTS OF THE CHILD. HOWEVER, THE GOA HAS LIMITED PERSONNEL AND FUNDING THAT COULD BE DEDICATED BEYOND THE INCREMENTAL INCREASES IN DOMESTIC EFFORTS TO COMBAT THESE ABUSIVE ACTIVITIES.

SEX SLAVERY IN AUSTRALIA -- LIMITED, BUT GROWING PROBLEM

4. MINISTER VANSTONE TOLD U/S FRANK LOY ON APRIL 16 THAT THE TRAFFICKING OF PERSONS INTO FORCED SEXUAL EXPLOITATION (SEX SLAVERY) WAS A GROWING PROBLEM IN AUSTRALIA. VANSTONE NOTED THAT AUSTRALIAN FEDERAL POLICE ESTIMATE THAT ABOUT 200 TO 300 PERSONS ARE BEING HELD AS SEX SLAVES AT ANY GIVEN MOMENT IN AUSTRALIA. (NOTE: SEVERAL CONTACTS HAVE TOLD US THAT THESE ESTIMATES MOST LIKELY UNDERSTATE THE PROBLEM, BUT WERE NOT ABLE TO OFFER ACCURATE DATA).

5. IN AUGUST THIS YEAR, MARK FORBES, A JOURNALIST AT "THE AGE" IN MELBOURNE, WENT UNDERCOVER INTO THE BROTHEL SCENE IN MELBOURNE TO INVESTIGATE THE INCIDENCE OF TRAFFICKING IN WOMEN AND CHILDREN INTO THE SEX INDUSTRY IN AUSTRALIA. HE ESTIMATED THAT THOUSANDS OF WOMEN HAVE BEEN TRAFFICKED INTO AUSTRALIA WITH UP TO 500 FOREIGN SEX WORKERS HERE AT ANY ONE TIME. THEY ARE EFFECTIVELY IMPRISONED AS SEX SLAVES, BOUGHT AND SOLD WHILE ILLEGALLY WORKING IN BROTHELS. THE WOMEN DO NOT EARN ANY MONEY, THE INVESTIGATION FOUND, UNTIL THEY REPAY A "CONTRACT" OF AUSTRALIAN \$40,000 (US\$25,000) OR MORE. THEY ARE FORCED TO WORK 12 HOURS A DAY, 7 DAYS A WEEK. BROTHEL OWNERS REPORTED BEING APPROACHED ON A REGULAR BASIS BY PEOPLE OFFERING ILLEGAL WORKERS. THE INDUSTRY APPARENTLY GENERATES \$50 MILLION A YEAR.

6. THE AUSTRALIAN FEDERAL POLICE AND THE DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS HAVE DETERMINED THAT THERE ARE INTERNATIONAL CRIME SYNDICATES INVOLVED IN THE WELL-ORGANIZED MOVEMENT OF WOMEN FROM ASIA INTO AUSTRALIA. SOME OF THE BROTHELS EMPLOYING THESE PROSTITUTES ARE OWNED AND OPERATED BY PROMINENT ORGANIZED CRIME FIGURES AND CONNECTIONS HAVE BEEN MADE TO TRIAD SOCIETIES SUCH AS THE

14K. (FURTHER DETAILS ON TRAFFICKING OF WOMEN FOR THE SEX INDUSTRY ARE CONTAINED IN REF D)

CURRENT ACTIVITIES WITHIN AUSTRALIA TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN

7. THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT) IS UNCLAS SECTION 02 OF 03 CANBERRA 003822

DEPT FOR DRL/CRA, DRL/IL, S/PICW (CDENNISON) AND INL, CA/FPP

DEPT ALSO FOR EAP/RSP (M.JOHNSON) AND EAP/ANP
LABOR FOR ILAB

E.O. 12958: N/A

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COORDINATING INTERAGENCY ACTIVITIES ON MATTERS RELATING TO THE TRAFFICKING OF WOMEN AND CHILDREN. THE GOA PRIMARILY VIEWS THIS AS A DOMESTIC ISSUE, ALTHOUGH IT IS ALSO INTERESTED IN INTERNATIONAL COOPERATIVE EFFORTS. ACCORDINGLY, THE FOCAL POINTS FOR AUSTRALIAN EFFORTS ARE THE ATTORNEY GENERAL'S DEPARTMENT AND THE OFFICE OF THE MINISTER FOR JUSTICE AND CUSTOMS (THE MINISTER IS SENATOR AMANDA VANSTONE).

8. NATIONAL ANTI-SEX SLAVERY LEGISLATION WAS RECENTLY PASSED BY PARLIAMENT. IT PROVIDES FOR JAIL SENTENCES FOR ANYONE ENGAGING IN SEXUAL SLAVERY IN WHICH AN INDIVIDUAL IS DENIED FREEDOM. MINISTER VANSTONE HAS SAID THAT RESOURCES WILL BE DEVOTED TO ENFORCEMENT. PREVIOUSLY, THE ONLY LAWS ON THIS SUBJECT WERE STATE LAWS AND WERE NOT ENFORCED IN A UNIFORM MANNER. THE GOA ANTICIPATES THAT THE COMMONWEALTH LAW WILL FACILITATE INVESTIGATIONS AS WELL AS PROSECUTION OF VIOLATORS OF THE LAW.

9. AUSTRALIAN STATES HAVE CHILD SEX TOURISM LAWS WHICH PROVIDE CRIMINAL SANCTIONS FOR PERSONS OR TRAVEL AGENCIES INVOLVED IN TRAVEL ABROAD FOR THE PURPOSE OF SEX WITH A MINOR AS WELL AS FOR PERSONS COMING TO AUSTRALIA FOR THAT PURPOSE. WHILE THESE LAWS ARE COMPREHENSIVE AND ARE LEGALLY ADEQUATE, THERE HAS BEEN SOME DISCUSSION ABOUT WHETHER THEY HAVE BEEN ACTIVELY ENFORCED. THE GOA HAS PROPOSED NATIONAL LEGISLATION TO PROVIDE FOR UNIFORM LEGAL COVERAGE IN THIS AREA AS WELL.

10. THE DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS (DIMA) IS ALSO HIGHLY INTERESTED IN THE ISSUE IN TERMS OF BORDER CONTROL AND COMPLIANCE WITH IMMIGRATION LAWS. ALTHOUGH DIMA HAS NOT CONDUCTED ANY SPECIFIC INVESTIGATIONS INTO TRAFFICKING OF WOMEN AND CHILDREN, DIMA HAS CONDUCTED PERIODIC FIELD VISITS TO SWEATSHOPS AND BROTHELS AS A ROUTINE PART OF IMMIGRATION COMPLIANCE CHECKS WHERE

TRAFFICKING IS A MAJOR ISSUE IN AUSTRALIA.

11. DETECTION OF SEX SLAVERY REMAINS DIFFICULT DUE TO THE LARGE NUMBER OF ILLEGAL BROTHELS. ALTHOUGH PROSTITUTION IS LEGAL IN MOST STATES AND TERRITORIES IN AUSTRALIA, THE MAJORITY OF SUCH OPERATIONS ARE NOT LEGALLY REGISTERED. THIS COMPLICATES THE TASK OF GOVERNMENT AGENCIES OR POLICE ATTEMPTING TO CHECK TO ENSURE THAT INDIVIDUAL OPERATIONS COMPLY WITH ALL LEGAL REQUIREMENTS. ALMOST ALL OF THE LIMITED NUMBER OF INSTANCES OF CHILDREN ILLEGALLY INVOLVED IN PROSTITUTION DETECTED DURING THE PAST YEAR WERE AT ILLEGAL BROTHELS.

12. POLICE SOURCES UNOFFICIALLY ESTIMATE THAT UP TO 70 PER CENT OF THE SEX INDUSTRY WORKERS IN AUSTRALIA ARE FOREIGNERS. MOST OF THESE INDIVIDUALS COME FROM POORER ASIAN COUNTRIES. THE MAJOR SOURCE COUNTRIES APPEAR TO BE CHINA, THAILAND, VIET NAM AND THE PHILIPPINES. OTHER SOURCE COUNTRIES ARE MALAYSIA, INDONESIA, HONG KONG, AND SINGAPORE.

BONDED LABOR -- A LIMITED, BUT SERIOUS PROBLEM

13. SEVERAL HOTEL, RESTAURANT AND MISCELLANEOUS WORKERS UNION OFFICIALS COMMENTED THAT "SWEATSHOP" WORKING CONDITIONS AND WAGES ARE ALSO AN ISSUE IN THE HOTEL, RESTAURANT AND HOSPITALITY INDUSTRIES. TYPICALLY, WORKERS ARE BROUGHT TO AUSTRALIA TO WORK FOR A SMALL SHOP, RESTAURANT, HOTEL OR OTHER ESTABLISHMENT RUN BY SOMEONE OF THEIR ETHNIC ORIGIN. IN MANY CASES, THE WORKERS HAVE TO PAY BACK INFLATED "TRANSPORTATION" COSTS. THEY ARE, IN EFFECT, BONDED WORKERS. THE EXTENT OF THIS PHENOMENON IS DIFFICULT TO GAUGE SINCE THE WORKERS INVOLVED OFTEN HAVE LIMITED OR NO ENGLISH LANGUAGE CAPABILITY.

14. RESPONDING TO OUR INQUIRIES, THE UNION OFFICIALS SAID THEY DID NOT WISH TO REPORT THESE CASES TO THE AUTHORITIES, AS THIS WOULD TAINT THE IMAGE OF UNIONS. THEY WERE INSTEAD INTERESTED IN RECRUITING THESE WORKERS TO BE UNION MEMBERS. THE UNION OFFICIALS NOTED THAT IN MOST CASES, THE ILLEGAL IMMIGRANTS WORKING IN THE HOTEL, RESTAURANT AND HOSPITALITY SECTOR EVENTUALLY LEARNED ENGLISH AND BECAME AWARE THAT THEY COULD SEEK BETTER WORKING CONDITIONS AND WAGES.

15. THE TEXTILES, CLOTHING AND FOOTWEAR UNION OF AUSTRALIA (TCFUA) HAS PROVIDED SOME ANECDOTAL EVIDENCE OF HUMAN
UNCLAS SECTION 03 OF 03 CANBERRA 003822

DEPT FOR DRL/CRA, DRL/IL, S/PICW (CDENNISON) AND INL, CA/FPF

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LABOR FOR ILAB

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TAGS: PHUM, ELAB, KWMN, PREF, KCRM, SMIG, KFRD, ASEAN, AS
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RIGHTS ABUSES RELATING TO THEIR INDUSTRY. THEY ARE AWARE OF INCIDENCES OF WOMEN BEING TRANSPORTED TO AUSTRALIA ON SHORT-TERM VISAS OF ABOUT 3 MONTHS DURATION, WHO WERE THEN KEPT CONFINED AND PROHIBITED FROM MAKING CONTACT WITH THE OUTSIDE WORLD. THESE WOMEN ARE PUT TO WORK IN SWEATSHOPS UNDER APPALLING WORKING CONDITIONS AND PAID VERY LOW WAGES FOR THE DURATION OF THEIR STAY. THEN THEY ARE TRANSPORTED BACK TO THEIR COUNTRY OF ORIGIN, WHICH APPARENTLY, IN THE MAJORITY

OF THE CASES IS THE PHILIPPINES AND VIETNAM.

16. UNFORTUNATELY, THE SYSTEMATIC USE OF WORKERS ON TEMPORARY VISAS MAKES IT ALMOST IMPOSSIBLE TO GATHER ANY EVIDENCE OF THE TRADE SINCE THE WOMEN ARE SHIPPED HOME BEFORE THEY CAN BE IDENTIFIED AND HELPED. THE TRADE IS "LEGAL" TO THE EXTENT THAT THE VISAS ARE VALID FOR THE THREE MONTH PERIOD.

17. IT IS HARD TO DETERMINE THE EXTENT OF THE SWEATSHOP PROBLEM, BUT IT APPEARS TO BE RELATIVELY LIMITED. EARLIER THIS YEAR, THE "SUN HERALD" RAN A SERIES OF EXPOSES ON SWEATSHOPS IN AUSTRALIA, WHICH FOCUSED ON SEVERAL SMALL CLOTHING MANUFACTURING OPERATIONS IN THE BRISBANE AND SYDNEY AREA. THE ARTICLES IMPLIED THAT SWEATSHOPS WERE A WIDESPREAD PROBLEM, BUT DID NOT PROVIDE ANY CONCRETE DATA OR ESTIMATES. THE VICTIMS WERE ALMOST EXCLUSIVELY WOMEN. MOST OF THE WOMEN WERE ASIAN AND SPOKE LITTLE OR NO ENGLISH.

18. THE TCFUA HAS BEEN CONDUCTING A SUSTAINED CAMPAIGN IN AUSTRALIA OVER THE PAST 5-6 YEARS AGAINST SWEATSHOP LABOR ABUSES WHICH HAS BEEN VERY SUCCESSFUL IN INVOLVING THE COMMUNITY IN PRESSURING CLOTHING MANUFACTURERS TO ENSURE OUTWORKERS THEY USE ARE PROPERLY PAID AND WORKING UNDER SAFE CONDITIONS. THEY HAVE ALSO CAMPAIGNED TO UNIONISE OUTWORKERS SUBJECT TO THESE ABUSES. IT IS POSSIBLE THAT THE THREE MONTH VISA TRADE IS AN ATTEMPT TO AVOID DETECTION AND UNIONISATION OF THESE WORKERS.

CHILD PROTECTION NGOS

19. AUSTRALIA HAS SEVERAL NGOS ACTIVELY INVOLVED IN INTERNATIONAL EFFORTS TO COMBAT ABUSIVE EXPLOITATION OF CHILDREN. THE ANTI-SLAVERY SOCIETY FOCUSES ON CHILD LABOR AND HAS CONDUCTED A NUMBER OF CAMPAIGNS AIMED AT EDUCATING IMPORTERS, STORES AND THE PUBLIC ABOUT IMPORTED PRODUCTS PRODUCED WITH CHILD OR BONDED LABOR. ECPAT (END CHILD PORNOGRAPHY AND TRAFFICKING IN CHILDREN) IS AUSTRALIA'S LEADING NGO DEDICATED TO COMBATING THE SEXUAL ABUSE OF CHILDREN, INCLUDING THE TRAFFICKING OF CHILDREN AS SEXUAL COMMODITIES BOTH INTERNATIONALLY AND DOMESTICALLY. ECPAT MONITORS THE INCIDENCE OF CHILD SEXUAL ABUSE AS WELL AS THE PROBLEM OF TRAFFICKING OF WOMEN AND CHILDREN INTO AUSTRALIA.

20. ECPAT HAS ISSUED A NUMBER OF PUBLICATIONS WHICH AIM TO COMBAT THE INCIDENCE OF CHILD SEXUAL ABUSE. "YOUTH FOR SALE" IS AN INQUIRY CONDUCTED BY ECPAT INTO THE COMMERCIAL

EXPLOITATION OF CHILDREN IN AUSTRALIA. ECPAT ALSO PRODUCED A MANUAL WHICH PROVIDES STRATEGIES TO COMBAT SUCH EXPLOITATION. THERE IS ALSO A GUIDE FOR THE TOURISM INDUSTRY THAT PROVIDES PRACTICAL INFORMATION FOR TOUR GUIDE OPERATORS TO HELP THEM IDENTIFY AND DEAL WITH CHILD ABUSERS WHO USE THEIR TOURS TO PROCURE SEX WITH CHILDREN.

21. LAST YEAR, ECPAT SUCCESSFULLY LOBBIED DIMA TO CONDUCT POLICE CHECKS OF UNACCOMPANIED CHILDREN COMING INTO AUSTRALIA ON THE GROUNDS THAT SUCH CHILDREN ARE OFTEN PART OF A TRAFFICKING RING. HOWEVER, THEY ARE CONCERNED THAT DIMA APPARENTLY HAS NOT YET DEVELOPED EFFECTIVE NATIONAL POLICY PROCEDURES ON THE MATTER OF HUMAN TRAFFICKING.

PRESENTERS OR PANELISTS FOR THE ARIAT MEETING

22. BERNADETTE MCMENAMIN, THE NATIONAL DIRECTOR OF ECPAT IN AUSTRALIA, MIGHT BE A SUITABLE CANDIDATE TO BE A PRESENTER OR PANELIST FOR THE ARIAT SESSIONS, ESPECIALLY ON THE TOPIC OF PREVENTION STRATEGIES. THE GOA HAS INDICATED IT WILL ALSO PROVIDE SOME SUGGESTIONS. LABATT WILL MEET WITH A GOA INTERAGENCY COMMITTEE ON NOV.12 TO OBTAIN FURTHER DETAILS ON THE AUSTRALIAN GOVERNMENT'S EFFORTS ON THESE ISSUES.

HOLMES

SECT: SECTION: 01 OF 03
<^SECT>SECTION: 02 OF 03
<^SECT>SECTION: 03 OF 03

SSN: 3822
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TOR: 991108235824 M4140746
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<^TOR>991109000054 M4140749

DIST: SIT: BABBITT BUSBY FELDMAN GUARNIERI HUSO KEITH LIEBERTHAL NAPLAN OSIUS
PRITCHARD SCHWARTZ STROMSETH VACCARO
SIT: NSC

Cable

PREC: PRIORITY

CLASS: UNCLASSIFIED

LINE1: PAAUZYUW RUEHCAA4320 3170303-UUUU--RHEHAAX.

LINE2: ZNR UUUUU ZZH

LINE3: P 130259Z NOV 99

LINE4: FM SECSTATE WASHDC

OSRI: RUEHC

DTG: 130259Z NOV 99

ORIG: SECSTATE WASHDC

TO: RUEHBY/AMEMBASSY CANBERRA PRIORITY 0000
RUEHOT/AMEMBASSY OTTAWA 0000
RUEHBD/AMEMBASSY BANDAR SERI BEGAWAN 0000
RUEHBJ/AMEMBASSY BEIJING 0000
RUEHHK/AMCONSUL HONG KONG 0000
RUEHJA/AMEMBASSY JAKARTA 0000
RUEHKO/AMEMBASSY TOKYO 0000
RUEHVN/AMEMBASSY VIENTIANE 0000
RUEHKL/AMEMBASSY KUALA LUMPUR 0000
RUEHWL/AMEMBASSY WELLINGTON 0000
RUEHPB/AMEMBASSY PORT MORESBY 0000
RUEHUL/AMEMBASSY SEOUL 0000
RUEHMO/AMEMBASSY MOSCOW 0000
RUEHGP/AMEMBASSY SINGAPORE 0000
RUEHBK/AMEMBASSY BANGKOK 0000
RUEHHI/AMEMBASSY HANOI 0000
RUEHGO/AMEMBASSY RANGOON 0000
RUEHPF/AMEMBASSY PHNOM PENH 0000
RUEHUM/AMEMBASSY ULAANBAATAR 0000

INFO: RUEHML/AMEMBASSY MANILA PRIORITY 0000
RUEHGV/USMISSION GENEVA 0000
RUEHUNV/USMISSION UNVIE VIENNA
RUCNDT/USMISSION USUN NEW YORK 0000
RUEHBS/USEU BRUSSELS
RUEHNE/AMEMBASSY NEW DELHI 0000

SUBJ: ARIAT DEMARCHE

TEXT:

UNCLAS STATE 214320

E.O. 12958: N/A

TAGS: PHUM, KWMN, KCRM, PREL, SMIG, ELAB, RP

SUBJECT: ARIAT DEMARCHE

REFS: A) STATE 183699 B) RANGOON 02641
C) KUALA LUMPUR 04769 D) WELLINGTON 01527
E) CANBERRA 03688

1. THIS IS AN ACTION REQUEST. PLEASE SEE PARA 6.

2. SUMMARY. ON NOVEMBER 4, EAP DAS BOYCE CHAIRED THE THIRD MEETING OF THE INTERAGENCY WORKING GROUP ON THE ASIAN REGIONAL INITIATIVE TO COMBAT THE TRAFFICKING OF WOMEN AND CHILDREN (ARIAT). THE FOCUS OF THE GROUP DISCUSSION WAS HOW TO STRUCTURE THE ARIAT MEETING IN

MANILA NEXT APRIL TO ALLOW THE PARTICIPATING COUNTRIES TO DEVELOP A PRACTICAL REGIONAL STRATEGY IN THE AREAS OF PREVENTION, PROTECTION AND REINTEGRATION OF VICTIMS, AND PROSECUTION OF TRAFFICKERS. POSTS ARE REQUESTED TO SHARE THE REVISED PROPOSAL IN PARA 8 BELOW WITH HOST GOVERNMENT OFFICIALS AND SOLICIT THEIR INPUTS ON HOW EACH GOVERNMENT MIGHT CONTRIBUTE IDEAS TO AND GET THE MOST FROM THE MEETING. END SUMMARY.

3. PARTICIPANTS AT THE NOVEMBER 4 MEETING CHAIRED BY EAP DAS RALPH BOYCE INCLUDED REPRESENTATIVES FROM S/PICW, INL, PRM, CA, PUBLIC DIPLOMACY (PD), USAID, DEPT OF JUSTICE, DEPT OF LABOR AND DEPT OF THE INTERIOR. EAP/RSP'S MARY JOHNSON REPORTED ON HER OCTOBER 4 TO 8 TRIP TO MANILA WHERE THE GOP AND USG AGREED ON APRIL 5 TO 7 FOR THE REGIONAL MEETING. THE CO-HOSTS ALSO AGREED THAT THEY WOULD FORM A CONSULTATIVE GROUP IN MANILA COMPOSED OF THE GOVERNMENTS OF THAILAND, AUSTRALIA, AND JAPAN TO PROMOTE APPROPRIATE PARTICIPATION IN THE MANILA MEETING. THE IAWG THEN FOCUSED ON STRUCTURING THE APRIL MEETING IN ORDER TO MAXIMIZE ITS PRACTICAL OUTCOMES FOR COMBATING TRAFFICKING OF WOMEN AND CHILDREN (TWC) IN THE REGION. OTHER BUREAUS AND AGENCIES WERE ASKED TO DEVELOP PRESENTATIONS ON BEST PRACTICES AND SUCCESSFUL PROGRAMS TO SHARE WITH THE OTHER PARTICIPANTS.

4. THE MEMBERS OF THE IAWG AGREED THAT "BUY IN" WAS KEY TO THE SUCCESS OF ARIAT. THE TWENTY OTHER COUNTRIES TO BE INVITED SHOULD BE FULLY ON BOARD WITH THE OBJECTIVES OF ARIAT, AND THE WORKSHOPS SHOULD BE BUILT UPON THE PARTICIPATING COUNTRIES' STRENGTHS AND NEEDS IN COMBATING TWC. THE FINAL REGIONAL STRATEGY WILL BE CREATED FROM PRACTICAL INPUTS FROM THE INVITED COUNTRIES.

5. THE IAWG ALSO DISCUSSED THE IMPORTANCE OF CONVEYING TO THE INVITED GOVERNMENTS THAT ARIAT IS MEANT TO COMPLEMENT, NOT COMPETE WITH, ONGOING DISCUSSIONS THROUGHOUT THE REGION ON MIGRATION AND REFUGEE ISSUES. ARIAT WILL FOCUS UNIQUELY ON HOW TO REDUCE THE TRAFFICKING OF WOMEN AND CHILDREN BASED ON THE CALL FOR ACTION EXPRESSED IN THE "BANGKOK DECLARATION" SIGNED BY THE MINISTERS OF 17 SOUTH

AND EAST ASIAN COUNTRIES AT THE INTERNATIONAL SYMPOSIUM ON MIGRATION IN THAILAND IN APRIL 1999.

6. ACTION REQUESTED: ALTHOUGH THE OFFICIAL INVITATIONS TO THREE OR FOUR HOST GOVERNMENT OFFICIALS TO THE ARIAT MEETING WILL NOT BE SENT UNTIL DECEMBER, ACTION POSTS ARE REQUESTED TO SHARE INFORMALLY THE REVISED PROPOSAL FOR ARIAT WITH HOST GOVERNMENT OFFICIALS IN THE RELEVANT

MINISTRIES, INCLUDING FOREIGN AFFAIRS, INTERIOR/JUSTICE, AND LABOR/MANPOWER AT A MINIMUM. POSTS ARE ASKED TO SOLICIT HOST GOVERNMENT OFFICIALS' GENERAL COMMENTS AND, BASED ON THE ARIAT PROPOSAL IN PARA 8 BELOW, WHICH SHOULD BE SHARED WITH HOST GOVERNMENT OFFICIALS, TO SPECIFICALLY REQUEST THEIR VIEWPOINTS ON:

1) WHICH OF THE THREE AREAS -- PREVENTION, PROTECTION AND REINTEGRATION OF VICTIMS, PROSECUTION OF TRAFFICKERS -- DOES THE HOST GOVERNMENT HAVE SUCCESSFUL EXPERIENCES TO SHARE AS BEST PRACTICES BY A SPEAKER OR FACILITATOR IN A WORKSHOP PANEL, AND

2) WHICH AREAS MIGHT THE HOST GOVERNMENT MOST NEED ASSISTANCE OR COOPERATION FROM OTHER REGIONAL GOVERNMENTS TO COMBAT TRAFFICKING.

PARA 7 CONTAINS TALKING POINTS TO EXPLAIN THE OBJECTIVES OF THE ARIAT AS A RESULTS-ORIENTED MEETING TO MOVE TOWARD PRACTICAL NEXT STEPS AND TO COMPLEMENT ONGOING PROCESSES, WHICH FOCUS MORE ON MIGRATION AND CONCERNS WITHIN THE ASIA AND PACIFIC REGION.

7. BEGIN TALKING POINTS:

-- THE ASIAN REGIONAL INITIATIVE ON THE TRAFFICKING OF WOMEN AND CHILDREN, KNOWN AS ARIAT, WILL BE CO-HOSTED BY THE GOVERNMENTS OF THE PHILIPPINES AND OF THE UNITED STATES IN APRIL 2000 IN MANILA.

-- ARIAT WILL BE A ONE-TIME MEETING OF SENIOR WORKING LEVEL OFFICIALS WHERE SUCCESS STORIES, BEST PRACTICES, AND AREAS FOR IMPROVEMENT WILL BE PRESENTED IN ORDER TO DEVELOP A REGIONAL STRATEGY FOR PRACTICAL STEPS TO REDUCE THE TRAFFICKING OF WOMEN AND CHILDREN.

-- IT WILL COMPLEMENT ONGOING PROCESSES SUCH AS THE MANILA PROCESS AND THE ASIA-PACIFIC CONSULTATION ON ILLEGAL MIGRATION AND MAKE THE TRAFFICKING PART OF THE BANGKOK DECLARATION MORE CONCRETE BY DEVELOPING PROJECT PROPOSALS FOR THE REGION.

-- TWENTY-TWO COUNTRIES WILL BE INVITED TO PARTICIPATE, ALONG WITH REPRESENTATIVES OF INTERNATIONAL ORGANIZATIONS, NGOS, AND THE PRIVATE SECTOR.

-- THE MANILA MEETING WILL BE STRUCTURED AS WORKSHOPS ON PREVENTION, PROTECTION AND REINTEGRATION OF VICTIMS, AND PROSECUTION OF TRAFFICKERS.

-- AT THIS TIME, WE ARE ASKING INFORMALLY FOR YOUR SUGGESTIONS ABOUT THE AREAS WHERE YOUR COUNTRY COULD SHARE ITS BEST PRACTICES AND SUCCESS STORIES ON COMBATING TRAFFICKING OF WOMEN AND CHILDREN AS WELL AS THOSE AREAS WHERE YOU WOULD LIKE ADDITIONAL TRAINING OR OTHER ASSISTANCE AND COOPERATION IN THE REGION TO ADDRESS WEAKNESSES IN YOUR SYSTEM.

8. BEGIN TEXT OF REVISED ARIAT PROPOSAL TO BE SHARED INFORMALLY WITH HOST GOVERNMENTS:

BACKGROUND

TRAFFICKING IN HUMAN BEINGS, PREDOMINATELY WOMEN AND CHILDREN, IS A FORM OF MODERN-DAY SLAVERY. THIS GROWING TRANSNATIONAL CRIME PROBLEM IS ONE OF THE MOST EGREGIOUS HUMAN RIGHTS VIOLATIONS OF OUR TIME. TRAFFICKING IN WOMEN AND CHILDREN (TWC) INVOLVES THE RECRUITMENT, TRANSPORT OR SALE OF PERSONS ACROSS INTERNATIONAL BORDERS OR WITHIN A COUNTRY THROUGH FORCE, FRAUD, DECEPTION OR COERCION FOR PURPOSES OF FORCED LABOR OR SERVICES, INCLUDING FORCED PROSTITUTION, DOMESTIC SERVITUDE, BONDED SWEATSHOP LABOR OR OTHER DEBT BONDAGE.

POVERTY AND LACK OF ECONOMIC OPPORTUNITY, DISPROPORTIONATELY AFFECTING WOMEN AND GIRLS, ARE MAJOR FORCES DRIVING THE TRAFFICKING INDUSTRY. IN THE EAST ASIA AND PACIFIC REGION, THERE ARE ORIGIN, TRANSIT, AND DESTINATION COUNTRIES, WHERE HUNDREDS OF THOUSANDS OF

WOMEN AND CHILDREN ARE TRAFFICKED INTO SWEATSHOP LABOR, DOMESTIC SERVITUDE, AND THE SEX INDUSTRY. TRAFFICKERS CAPITALIZE ON RISING UNEMPLOYMENT, THE LACK OF VIABLE ECONOMIC OPPORTUNITIES, AND ON THE UNEQUAL TREATMENT OF WOMEN TO LURE VICTIMS INTO THE TRAFFICKING SCHEME. THE TRADE IN HUMAN BEINGS IS GROWING RAPIDLY IN THE REGION DUE TO THE DECLINE IN ALTERNATE ECONOMIC OPPORTUNITIES RESULTING FROM THE ASIAN ECONOMIC CRISIS, A DRAMATIC RISE IN INTRA-ASIAN MIGRATION SINCE THE LATE 1980S, AND LARGE PROFITS COMBINED WITH A LOW RISK OF PROSECUTION TO TRAFFICKERS.

PRESIDENT CLINTON ISSUED A DIRECTIVE ON MARCH 11, 1998, ESTABLISHING THE UNITED STATES' STRATEGY TO COMBAT THE TRAFFICKING OF PERSONS AROUND THE WORLD. THE STRATEGY INVOLVES PREVENTION, PROTECTION FOR AND REINTEGRATION OF VICTIMS, AND PROSECUTION AND ENFORCEMENT AGAINST TRAFFICKERS. THE UNITED STATES VIEWS TRAFFICKING AS A GLOBAL PROBLEM THAT MUST BE ADDRESSED THROUGH COUNTRY-SPECIFIC, ANTI-TRAFFICKING INITIATIVES AS WELL AS BY REGIONAL COOPERATION.

REGIONAL MEETING

THE GOVERNMENT OF THE PHILIPPINES HAS AGREED TO CO-HOST WITH THE UNITED STATES A REGIONAL MEETING IN MANILA FROM APRIL 5 TO 7 NEXT YEAR ON TRAFFICKING IN WOMEN AND CHILDREN (TWC). THE MEETING WILL INCLUDE PRACTICAL WORKSHOPS ON PREVENTION, PROTECTION, REINTEGRATION, AND PROSECUTION STRATEGIES RESULTING IN A COMPREHENSIVE REGIONAL ACTION PLAN TO COMBAT TRAFFICKING WITHIN AND FROM ASIA. CONCRETE PROJECT PROPOSALS FOR IMMEDIATE FOLLOW-UP ARE ONE OF THE DESIRED OUTCOMES. THE MEETING WILL CONVENE SENIOR WORKING-LEVEL OFFICIALS FROM EAST ASIAN AND PACIFIC

COUNTRIES AS WELL AS INTERNATIONAL ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS, AND THE PRIVATE SECTOR.

PARTICIPATING COUNTRIES

THE FOLLOWING COUNTRIES AND OTHER GOVERNMENTAL ENTITIES WILL BE INVITED TO PARTICIPATE IN THE ARIAT REGIONAL MEETING:

AUSTRALIA	MONGOLIA
BRUNEI	NEW ZEALAND
BURMA	PAPUA NEW GUINEA
CAMBODIA	PHILIPPINES
CANADA	REP OF KOREA
CHINA	RUSSIA
EUROPEAN UNION (1 REP)	SINGAPORE
HONG KONG	THAILAND
INDONESIA	UNITED STATES (INCLUDING
JAPAN	THE CNMI)
LAOS	VIETNAM
MALAYSIA	

TITLE: ASIAN REGIONAL INITIATIVE AGAINST TRAFFICKING OF WOMEN AND CHILDREN & ARIAT

MEETING DATES: APRIL 5, 6, 7, 2000

VENUE: MANILA, REPUBLIC OF THE PHILIPPINES

ARIAT MEETING OBJECTIVES

THE ARIAT REGIONAL MEETING WILL BUILD ON AND AUGMENT THE BANGKOK DECLARATION OF APRIL 1999 BY DEVELOPING PRACTICAL STRATEGIES FOR NATIONAL AND REGIONAL COOPERATION TO REDUCE TRAFFICKING. THE GOALS ARE ACTION-ORIENTED AND AIMED AT:

- A) SHARING SUCCESSFUL PRACTICES AND EXPANDING COLLABORATIVE EFFORTS AMONG EAST ASIA AND PACIFIC COUNTRIES AFFECTED BY TRAFFICKING IN WOMEN AND CHILDREN.
- B) CREATING REALISTIC NATIONAL ACTION PLANS TO COMBAT TRAFFICKING.
- C) LINKING PARTICIPATING COUNTRIES WITH POTENTIAL RESOURCES FROM INTERNATIONAL ORGANIZATIONS, NGOS, AND THE PRIVATE SECTOR TO AID IN THE IMPLEMENTATION OF REGIONAL AND COUNTRY-SPECIFIC ACTION PLANS AND ANTI-TRAFFICKING INITIATIVES.

ANTICIPATED OUTCOMES

-
- 1. REGIONAL ACTION PLAN TO REDUCE THE TRAFFICKING OF WOMEN AND CHILDREN THAT EMPHASIZES PREVENTION, PROTECTION AND REINTEGRATION OF THE VICTIMS, AND PROSECUTION OF AND ENFORCEMENT MEASURES AGAINST TRAFFICKERS. THIS ACTION

PLAN WILL INCLUDE PROPOSED STRATEGIES TO COMBAT
TRAFFICKING AND BENCHMARKS TO MEASURE PROGRESS.

2. PARTICIPATING COUNTRIES DEVELOP AND IMPLEMENT COUNTRY-SPECIFIC ACTION PLANS BASED ON THE REGIONAL PLAN TO COMBAT TWC.
3. COMMITMENTS FROM DONORS--PARTICIPATING NATIONS, INTERNATIONAL BANKS AND ORGANIZATIONS, THE PRIVATE SECTOR--TO PLEDGE SPECIFIC RESOURCES TO COMBAT TRAFFICKING.

WORKSHOP SESSIONS

I. PREVENTION STRATEGIES

- # EXPLORE EFFECTIVE WAYS TO EDUCATE AND RAISE AWARENESS THROUGH THE MEDIA, BOTH ELECTRONIC AND PRINT, AND PROGRAMS IN SCHOOLS AND IN COMMUNITIES TO WARN POTENTIAL VICTIMS OF TRAFFICKERS' RECRUITING METHODS AND THE FATE OF TRAFFICKING VICTIMS.
- # EXPLORE EFFECTIVE WAYS AND BEST PRACTICES TO IMPROVE DATA COLLECTION, MONITORING AND REPORTING OF INCIDENCE RATES, TRAFFICKING ROUTES, INFORMATION ON KNOWN OR SUSPECTED TRAFFICKERS, CONDITIONS OF EXPLOITATION, ORGANIZED CRIME LINKS, VICTIM ASSISTANCE NEEDS, AND OTHER ISSUES RELATED TO TRAFFICKING IN WOMEN AND CHILDREN.
- # EXPLORE EFFECTIVE WAYS FOR NGOS TO SUPPORT PROGRAMS TARGETING AT-RISK WOMEN AND CHILDREN.
- # EXPLORE PUBLIC DIPLOMACY STRATEGIES IN THE PREVENTION OF TRAFFICKING INCLUDING THE USE OF PUBLIC EDUCATION AND MEDIA CAMPAIGNS TO
 - WARN POTENTIAL VICTIMS OF REALITIES AND CONSEQUENCES OF TRAFFICKING.
 - WARN POTENTIAL PERPETRATORS OF THE LEGAL CONSEQUENCES TRAFFICKING.
 - MOBILIZE THE PUBLIC TO INFLUENCE APPROPRIATE AUTHORITIES TO TAKE STEPS TO REDUCE TRAFFICKING.

II. PROTECTION STRATEGIES

- # EXPLORE BEST PRACTICES TO MEET THE IMMEDIATE PHYSICAL AND EMOTIONAL NEEDS OF VICTIMS ESCAPING FROM TRAFFICKING NETWORKS.
- # EXPLORE REINTEGRATION MODELS TO MEET THE MENTAL, PHYSICAL, EDUCATIONAL, SKILLS TRAINING, AND LEGAL

ASSISTANCE NEEDS OF VICTIMS OF TRAFFICKING, INCLUDING ALTERNATIVES TO IMMEDIATE DEPORTATION OF VICTIMS.

DEVELOP MONITORING PROGRAMS TO ENSURE SAFE REINTEGRATION OF VICTIMS INTO COMMUNITIES AND GUARD AGAINST RETRIBUTION AGAINST VICTIMS BY THE TRAFFICKERS.

. EXPLORE TRAINING MODELS FOR LAW ENFORCEMENT AND OTHERS WHO MAY COME IN CONTACT WITH VICTIMS TO RECOGNIZE TRAFFICKING CASES AND INTERVENE APPROPRIATELY.

CONDUCT TRAINING FOR POLICE AND JUDICIARY TO UNDERSTAND THE NATURE OF TRAFFICKING AND TO RELATE EFFECTIVELY TO TRAFFICKED VICTIMS SO THEY WILL BE AVAILABLE AS WITNESSES IN PROSECUTION OF TRAFFICKERS.

IDENTIFY GUIDELINES FOR REGIONAL GOVERNMENTS TO FACILITATE THE RETURN OF TRAFFICKED PERSONS TO BE TREATED AS RETURNING VICTIMS AND POTENTIAL WITNESSES RATHER THAN IRREGULAR MIGRANTS.

III. PROSECUTION STRATEGIES

EXAMINE EXISTING OR PROPOSED LEGISLATION IN EACH COUNTRY AND DISCUSS HOW LAWS PROSECUTING TRAFFICKERS CAN BE STRENGTHENED AND STREAMLINED.

EXPLORE TRAINING MODELS FOR LAW ENFORCEMENT, INCLUDING BORDER ENFORCEMENT, CONSULAR, ANTI-FRAUD, VISA OFFICERS AND LOCAL POLICE OFFICIALS, TO RECOGNIZE AND PROSECUTE TRAFFICKERS, AS WELL AS TO ASSIST TRAFFICKING VICTIMS.

EXPLORE WAYS TO STANDARDIZE AND INSTITUTIONALIZE PROCEDURES FOR INVESTIGATIONS AND PROSECUTIONS OF CASES INVOLVING TRAFFICKING.

EXPLORE BEST PRACTICES TO MAXIMIZE ENFORCEMENT AGAINST TRAFFICKERS.

SCOPE OF THE WORKSHOP

NUMBER OF NATIONS: 22
(3 TO 4 DELEGATES PER COUNTRY)

NUMBER OF PARTICIPANTS: 111 -148 TOTAL PARTICIPANTS

OF WHICH: 66 - 88 SENIOR WORKING LEVEL OFFICIALS
25 - 30 NGO REPRESENTATIVES
15 - 20 INTL ORGANIZATION

5 - 10 REPRESENTATIVES
PRIVATE SECTOR REPS

NGOS: ASIAN NGOS
US-BASED NGOS
WORLDWIDE ANTI-TRAFFICKING NGOS

INTERNATIONAL ORGANIZATIONS/BANKS:

UNDP (MEKONG SUB-REGION GROUP)
ILO-IPEC
IOM
UN CENTER FOR INTERNATIONAL CRIME PREVENTION (VIENNA)
ASIAN DEVELOPMENT BANK
WORLD BANK

END TEXT
ALBRIGHT

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TO: RUEHC/SECSTATE WASHDC IMMEDIATE 5527
INFO: RUEHC/DEPT OF LABOR WASHDC
RUCNCLC/CHILD LABOR COLLECTIVE
RUEHXI/LABOR COLLECTIVE
RUCNARF/ASEAN REGIONAL FORUM COLLECTIVE
RUEHBN/AMCONSUL MELBOURNE 3300
RUEHPT/AMCONSUL PERTH 1448
RUEHDN/AMCONSUL SYDNEY 9930
SUBJ: AUSTRALIA -- ARIAT DEMARCHE RESPONSE

TEXT:
UNCLAS SECTION 01 OF 02 CANBERRA 004040

DEPT FOR DRL/CRA, DRL/IL, S/PICW (CDENNISON) AND INL, DEPT
ALSO FOR CA/FPP, EAP/RSP (M.JOHNSON) AND EAP/ANP
LABOR FOR ILAB

E.O. 12958: N/A
TAGS: PHUM, ELAB, KCRM, KWMN, SMIG, KFRD, ASEAN, AS
SUBJECT: AUSTRALIA -- ARIAT DEMARCHE RESPONSE

REF: A) STATE 224501 B) CANBERRA 3958 C) STATE 214320

1. SUMMARY. LABOR ATTACHE PRESENTED THE POINTS AND INFORMATION ON THE ASIAN REGIONAL INITIATIVE AGAINST TRAFFICKING IN WOMEN AND CHILDREN (ARIAT) FROM REF. C TO AN AUSTRALIAN INTERAGENCY COMMITTEE ON NOVEMBER 25. JOHN NATION, CHIEF OF STAFF FOR JUSTICE MINISTER AMANDA VANSTONE, SAID THE MINISTER TAKES THIS ISSUE VERY SERIOUSLY AND PLANS TO TAKE THE LEAD IN COORDINATING THE GOA'S ACTION ON ARIAT. THE GOA REPS PROMISED TO DEVELOP A LIST OF SENIOR REPRESENTATIVES FOR THE APRIL ARIAT REGIONAL MEETING IN MANILA. WE HAVE NOT YET RECEIVED THE GOA LIST, BUT ASSUME THAT IT WOULD INCLUDE REPRESENTATION FROM: AUSTRALIA'S DEPT. OF FOREIGN AFFAIRS AND TRADE, DEPT. OF JUSTICE AND CUSTOMS, THE ATTORNEY GENERAL'S OFFICE, DEPT. OF IMMIGRATION AND MULTICULTURAL AFFAIRS, AND, POSSIBLY, THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY. END SUMMARY.

2. LABOR ATTACHE EXPLAINED THE PURPOSE AND THE PROPOSED OUTCOMES SOUGHT FROM THE ARIAT MEETING NEXT YEAR AND NOTED THE IMPORTANCE THE USG ATTACHES TO THIS INITIATIVE. LABATT

NOTED THE U.S. INTEREST IN SEEKING INPUT FROM RELEVANT COUNTRIES IN THE REGION ON THE PROPOSED AGENDA FOR THE MEETING AND TO WORK TOGETHER WITH ALL COUNTRIES IN THE REGION TO DEVELOP A REGIONAL INITIATIVE BASED ON INDIVIDUAL COUNTRIES' ACTION PLANS.

3. THE GOA OFFICIALS INCLUDED: JOHN NATION, CHIEF OF STAFF OF THE OFFICE OF THE MINISTER FOR JUSTICE AND CUSTOMS; PETER WHOWELL, OFFICE OF STRATEGIC CRIME ASSESSMENT (ATTORNEY GENERAL'S DEPARTMENT); KARL ALDERSON, CRIMINAL JUSTICE DIVISION, ATTORNEY GENERAL'S DEPARTMENT; A DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AFFAIRS REPRESENTATIVE; AND, PETER GRABOSKY, DIRECTOR OF RESEARCH, AUSTRALIAN INSTITUTE OF CRIMINOLOGY.

4. THE GOA OFFICIALS WERE RESPONSIVE TO OUR PRESENTATION AND INDICATED THAT AUSTRALIA HAS ALREADY TAKEN A NUMBER OF STEPS UNILATERALLY AND IN COOPERATION WITH INTERNATIONAL ORGANIZATIONS TO DEAL WITH THE ISSUES OF CONCERN TO ARIAT. THESE ACTIONS INCLUDE THE PASSAGE OF THE "CRIMINAL CODE AMENDMENT (SLAVERY AND SEXUAL SERVITUDE) ACT OF 1999" WHICH PROVIDES FOR UNIFORM NATIONAL INVESTIGATION AND PROSECUTION OF SUCH ILLEGAL ACTIVITIES.

5. GRABOSKY REPORTED THAT FIONA DAVID FROM THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY HAD BEEN SECONDED TO THE UN OFFICE OF DRUG CONTROL AND CRIME PREVENTION TO WORK SPECIFICALLY ON THE ISSUE OF HUMAN SMUGGLING AND TRAFFICKING FROM THE PHILIPPINES. THEY HAVE PRODUCED A DRAFT REPORT, A COPY OF WHICH WAS MADE AVAILABLE TO US. HOWEVER, THIS REPORT WILL NOT BE PUBLICLY RELEASED UNTIL LATE DECEMBER. (THE PAPER IS AN ANALYSIS OF THE PROBLEM OF TRAFFICKING IN AND FROM THE PHILIPPINES, BUT THE DRAFT WE HAVE DOES NOT APPEAR TO CONTAIN ANY RECOMMENDATIONS AT THIS STAGE.) THE GOA OFFICIALS SAID THAT THIS PAPER SHOULD FORM PART OF CONSIDERABLE RELEVANT WORK.

6. EMBASSY REPRESENTATIVES THEN ASKED WHAT RESOURCES THE ATTORNEY GENERAL AND OTHER OFFICES WOULD COMMIT TO THE ENFORCEMENT OF THE LEGISLATION. ALDERSON RESPONDED THAT THE ENFORCEMENT EFFORT WOULD INCLUDE STATE AS WELL AS FEDERAL OFFICIALS. TO DATE, THE STATE GOVERNMENT OF SOUTH AUSTRALIA HAS AGREED TO JOIN THE EFFORT. HE ALSO MENTIONED THAT MINISTER VANSTONE HAS WRITTEN TO OTHER NATIONAL GOVERNMENTS, INCLUDING THE USG, TO INFORM THEM OF THE EXISTENCE OF THIS LEGISLATION AND ITS SIGNIFICANCE. (NOTE: "SECTION 270.5 JURISDICTIONAL REQUIREMENT" PROVIDES FOR THE EXTRATERRITORIAL APPLICATION OF THE LAW.")

7. EMBASSY REPRESENTATIVES ALSO INQUIRED WHETHER IT WAS POSSIBLE THAT THE LEGISLATION'S PROVISIONS ON SLAVERY COULD ALSO APPLY TO PEOPLE IN INDUSTRIES OTHER THAN THE SEX INDUSTRY, E.G. TEXTILES. THIS INQUIRY WAS BASED ON RECENT REPORTS THAT THERE IS SOME TRAFFICKING OF WOMEN, ESPECIALLY FROM SOUTHEAST ASIA, INTO AUSTRALIA TO WORK IN SWEATSHOPS, SOMETIMES AS BONDED LABOR; NEWSPAPER REPORTS AND SEVERAL POLICE RAIDS HAVE NOT PROVIDED ENOUGH EVIDENCE TO ENABLE THE AUTHORITIES TO DETERMINE THE EXTENT OF THE PROBLEM. THE GOA

REPRESENTATIVES SAID THAT IN PRINCIPLE, THE LAW WOULD APPEAR TO COVER THIS AS WELL, BUT UNDERTOOK TO COME BACK TO US ON THIS POINT OF LAW.

8. OUR READING OF THE LAW IS THAT IT WOULD ALSO APPLY TO UNCLAS SECTION 02 OF 02 CANBERRA 004040

DEPT FOR DRL/CRA, DRL/IL, S/PICW (CDENNISON) AND INL, DEPT ALSO FOR CA/FPP, EAP/RSP (M.JOHNSON) AND EAP/ANP LABOR FOR ILAB

E.O. 12958: N/A
TAGS: PHUM, ELAB, KCRM, KWMN, SMIG, KFRD, ASEAN, AS
SUBJECT: AUSTRALIA -- ARIAT DEMARCHE RESPONSE

BONDED OR SLAVE LABOR IN OTHER ECONOMIC SECTORS, INCLUDING TEXTIL)s: DIVISION, SLAVERY IS THE CONDITION OF A PERSON OVER WHOM ANY OR ALL OF THE POWERS ATTACHING TO THE RIGHT OF OWNERSHIP ARE EXERCISED, INCLUDING WHERE SUCH A CONDITION RESULTS FROM A DEBT OR CONTRACT MADE BY THE PERSON." (NOTE: THE 1999 ACT CONTAINS OTHER DEFINITIONS OF SLAVERY RELATED ACTIVITIES AS WELL AS ENFORCEMENT PROVISIONS THAT MIGHT MAKE IT AN INTERESTING EXAMPLE TO BE DISCUSSED AT ARIAT. SOME OF THESE PROVISIONS MIGHT BE SUITABLE MODELS FOR OTHER NATIONS WHICH WISH TO ENHANCE THEIR LEGAL SYSTEMS IN THIS AREA. THE ATTORNEY GENERAL'S OFFICE HAS PROVIDED US A COPY OF THE RELEVANT SECTIONS OF THE ACT (TEN PAGES) WHICH WE COULD FAX BACK TO THE DEPARTMENT.)

9. EMBASSY REPS REITERATED THAT THE ARIAT MEETING WOULD ONLY BE A START TO A COORDINATED REGIONAL ACTION PLAN AND THAT IT WAS IMPORTANT TO GET AS MUCH FEEDBACK FROM RELEVANT COUNTRIES AS POSSIBLE. GOA REPS AGREED TO PROVIDE A COORDINATED RESPONSE ON THE ARIAT MEETING AGENDA AND SOME INDICATION ASAP AS TO WHO WOULD ATTEND THE MEETING FROM AUSTRALIA.

HOLMES

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OSRI: RUEHC
DTG:
ORIG: SECSTATE WASHDC
TO: RUEHGV/USMISSION GENEVA IMMEDIATE 0000
INFO: ALL US CONSULATES IN MEXICO COLLECTIVE
RUCNDT/USMISSION USUN NEW YORK 0000
SUBJ: USG RESPONSE TO CHR RESOLUTION 1999/44 ON MIGRANTS
TEXT: UNCLAS STATE 239090

E.O. 12958: N/A
TAGS: UNHRC, PHUM, SMIG
SUBJECT: USG RESPONSE TO CHR RESOLUTION 1999/44 ON MIGRANTS

REF: GENEVA 7523

1. FOLLOWING IS THE RESPONSE OF THE USG TO A REQUEST FOR INFORMATION ON THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE HUMAN RIGHTS OF MIGRANTS UNDER CHR RESOLUTION 1999/44.

SEPTTEL CONTAINED RELATED INFORMATION ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS. MISSION IS REQUESTED TO CONVEY THIS RESPONSE TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS FOR TRANSMISSION TO THE HUMAN RIGHTS COMMISSION AND THE SPECIAL RAPPOREUR ON MIGRANTS. DEPT WILL FORWARD TEXT OF THE RESPONSE TO GENEVA VIA E-MAIL. ATTACHMENTS MENTIONED IN THE TEXT ARE BEING SENT VIA EXPRESS MAIL TO GENEVA.

2. BEGIN TEXT.

RESPONSE OF THE UNITED STATES OF AMERICA TO THE UN COMMISSION ON HUMAN RIGHTS RESOLUTION 1999/44

I. INTRODUCTION

THE GOVERNMENT OF THE UNITED STATES OFFERS THE FOLLOWING INFORMATION TO THE UN SPECIAL RAPPOREUR ON MIGRANTS IN RESPONSE TO THE UN HUMAN RIGHTS COMMISSION RESOLUTION 1999/44 ON THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE HUMAN RIGHTS OF MIGRANTS. THIS INCLUDES INFORMATION AS REQUESTED IN CHR RESOLUTION 1999/44 ON LAWS AND POLICIES GUARANTEEING THE HUMAN RIGHTS OF MIGRANTS, MEASURES TO PREVENT AND REMEDY HUMAN RIGHTS VIOLATIONS, AND BILATERAL AND REGIONAL ARRANGEMENTS WHICH ADDRESS MIGRANT WORKER ISSUES, INTER ALIA, IRREGULAR MIGRANTS.

THE GOVERNMENT OF THE UNITED STATES NOTES THAT IT HAS ALSO

SUBMITTED A RESPONSE ON A RELATED RESOLUTION ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS, WHICH CONTAINS ADDITIONAL INFORMATION WHICH THE SPECIAL RAPPORTEUR MAY FIND USEFUL.

THE UNITED STATES STRONGLY URGES THE UN SPECIAL RAPPORTEUR ON MIGRANTS TO CONTACT THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR), WHICH IS ALSO ENGAGED IN COLLECTING INFORMATION ON THESE ISSUES. THE UNITED STATES URGES THE SPECIAL RAPPORTEUR TO DEVELOP COOPERATIVE CONTACTS AND INFORMATION-SHARING PROCEDURES TO AVOID DUPLICATION OF EFFORTS IN COLLECTING AND ANALYZING THE SAME INFORMATION.

II. GENERAL COMMENTS

--A "MIGRANT WORKER" IS UNDERSTOOD TO BE "ANY PERSON WHO IS GOING TO BE ENGAGED, IS ENGAGED OR HAS BEEN ENGAGED IN A REMUNERATED ACTIVITY IN A COUNTRY OF WHICH HE IS NOT A NATIVE." IN THIS FRAMEWORK, THE TERM "MIGRANT WORKER" IS NOT USED TO DESCRIBE VARIOUS CATEGORIES, SUCH AS GOVERNMENT OR INTERNATIONAL ORGANIZATION OFFICIALS; INVESTORS; REFUGEES AND STATELESS PERSONS; INTERNALLY DISPLACED PERSONS; STUDENTS AND TRAINEES; AND SEAFARERS AND WORKERS ON AN OFFSHORE INSTALLATION.

--NOTWITHSTANDING THE ABOVE, THE CONCEPT OF "MIGRANT WORKER" REMAINS SUFFICIENTLY BROAD, MAKING IT DIFFICULT TO ADDRESS MANY ISSUES WITH PRECISION. FOR INSTANCE, IN THE UNITED STATES, "IMMIGRANTS" ARE ONLY THOSE LAWFULLY ADMITTED FOR PERMANENT RESIDENCE. THE UNITED STATES ISSUES MANY TYPES OF "TEMPORARY WORKER" VISAS BUT ALSO ADMITS PERSONS WHO WORK IN OTHER CAPACITIES: BUSINESSPERSONS, TREATY TRADERS, RELIGIOUS WORKERS, PROFESSIONAL ATHLETES AND ENTERTAINERS ARE BUT A FEW EXAMPLES. CHARACTERISTICS OF THESE GROUPS DIFFER ONE FROM ANOTHER, AND ALL DIFFER CONSIDERABLY FROM THOSE OF AGRICULTURAL WORKERS.

III. INTERNATIONAL COOPERATION ON MIGRANTS

A. U.S. COOPERATION WITH THE INTER-AMERICAN HUMAN RIGHTS COMMISSION

FOLLOWING THE RECOMMENDATION OF THE 26TH REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES (OASGA) IN 1996 AND A SUBSEQUENT OASGA RESOLUTION IN 1997, THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) UNDERTOOK TO ASSESS THE SITUATION OF MIGRANT WORKERS AND THEIR FAMILY MEMBERS IN THIS HEMISPHERE.

IACHR SUBSEQUENTLY FORMULATED A QUESTIONNAIRE THAT IT SENT TO EACH OAS MEMBER STATE AS A MEANS OF ENLISTING THEIR COOPERATION AND ASSISTANCE IN PREPARING A FINAL REPORT ON THIS SUBJECT. THE UNITED STATES SUPPORTED THIS IMPORTANT ENDEAVOR AND THE CAUSE OF HUMAN RIGHTS FOR MIGRANT WORKERS AND THEIR FAMILIES BY PROVIDING EXTENSIVE INFORMATION.

THE UNITED STATES SERVES AS "RESPONSIBLE COORDINATOR" FOR IMPLEMENTATION OF THE MIGRANT WORKERS SECTION OF THE PLAN OF ACTION ADOPTED DURING THE 1998 SUMMIT OF THE AMERICAS, HELD

IN SANTIAGO, CHILE. IN THAT CAPACITY, THE U.S. COORDINATES THE OBLIGATION OF MEMBER STATES TO "SUPPORT THE ACTIVITIES OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS WITH REGARD TO THE PROTECTION OF THE RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES, PARTICULARLY THROUGH THE SPECIAL RAPPORTEUR FOR MIGRANT WORKERS." THE U.S. FACILITATED FACT-FINDING VISITS BY THE IAHRRC SPECIAL RAPPORTEUR AND STAFF TO VARIOUS LOCATIONS IN THE UNITED STATES.

B. OTHER AGREEMENTS ON MIGRANT WORKERS

ON JULY 18, 1973, THE UNITED STATES AND MEXICO ENTERED INTO AN AGREEMENT ENTITLED "ILLEGAL ENTRY OF MIGRATORY WORKERS," THE PRINCIPAL AIM OF WHICH WAS TO EFFECT GREATER BILATERAL COOPERATION "IN SOLVING THE PROBLEM OF THE FLOW OF MEXICAN MIGRATORY WORKERS ILLEGALLY ENTERING THE UNITED STATES IN SEARCH OF JOB OPPORTUNITIES..." THE AGREEMENT IS STILL IN EFFECT. MORE BROADLY, THE U.S. ALSO HAS COMMITMENTS IN THE GENERAL AGREEMENT ON TRADE IN SERVICES (GATS) IN THE WORLD TRADE ORGANIZATION (WTO+), IN THE UNITED STATES

A. NUMBERS AND ORIGIN

THE UNITED STATES IS THE LARGEST RECIPIENT OF MIGRANT WORKERS IN THE WORLD, RECEIVING MILLIONS OF MIGRANT WORKERS EACH YEAR, THROUGH BOTH TEMPORARY AND PERMANENT MIGRATION PROGRAMS. THE MANY CATEGORIES OF ENTRY ARE LISTED AND DESCRIBED IN THE ATTACHED PAPER, DEVELOPMENTS IN INTERNATIONAL MIGRATION TO THE UNITED STATES: 1998 (DIMUS). IN 1997, THE CURRENT POPULATION SURVEY (CPS) IDENTIFIED AN ANNUAL AVERAGE OF 15.4 MILLION FOREIGN-BORN WORKERS IN THE UNITED STATES. OF THESE, 5.8 MILLION WERE NATURALIZED CITIZENS WHILE 9.6 MILLION WERE NON-CITIZENS. (A SUBSTANTIAL, THOUGH UNKNOWN, NUMBER OF IRREGULAR MIGRANTS ARE MISSED BY THIS GOVERNMENTAL SURVEY.) MANY BUSINESS, PROFESSIONAL, AND AGRICULTURAL MIGRANTS RESIDE INTERMITTENTLY IN THEIR HOME COUNTRIES. MEXICO IS THE LARGEST SINGLE SOURCE OF PERMANENT IMMIGRANTS (OF WHICH AN UNKNOWN SHARE IS MIGRANT WORKERS). OF THOSE ADMITTED AS WHAT THE UNITED STATES REGARDS AS "TEMPORARY WORKERS" IN 1996, THE LARGEST NUMBERS WERE FROM (IN DESCENDING ORDER) THE UNITED KINGDOM, CANADA, JAPAN, GERMANY, INDIA AND MEXICO.

B. U.S. LAWS AND POLICIES ON MIGRANT WORKERS

THE UNITED STATES HAS EXTENSIVE PROVISIONS FOR PERMANENT AND TEMPORARY MIGRATION, MANY OF WHICH ARE SET FORTH IN THE IMMIGRATION AND NATIONALITY ACT (INA). THE U.S. DOES HAVE A LEGAL GUEST WORKER PROGRAM FOR FARM WORKERS, MANY OF WHOM ARE HARVEST WORKERS. THERE IS NO BORDER PROGRAM OF WORKERS, PER SE. THOSE FOREIGN-BORN WORKERS WHO LIVE IN MEXICO AND WORK IN THE U.S. ARE LAWFUL PERMANENT RESIDENTS OF THE U.S., WITH ALIEN REGISTRATION RECEIPT CARDS (KNOWN AS "GREEN CARDS").

U.S. IMMIGRATION LAW ALLOWS FOR THE LEGAL ENTRY OF TEMPORARY NON-IMMIGRANT MIGRANT (AGRICULTURAL) WORKERS. TO OBTAIN AN

AGRICULTURAL MIGRANT WORKER VISA, THE MIGRANT MUST BE COMING TEMPORARILY TO PERFORM TEMPORARY OR SEASONAL AGRICULTURAL SERVICES AND BE PETITIONED FOR BY AN AGRICULTURAL EMPLOYER WHO MUST PROVE THAT THERE ARE NO AVAILABLE U.S. WORKERS TO FILL THE JOB. IN ADDITION, THE MIGRANT WORKER IS REQUIRED TO HAVE A FOREIGN RESIDENCE, AND BE OTHERWISE ADMISSIBLE UNDER THE IMMIGRATION LAWS OF THE UNITED STATES. THE EMPLOYER IS REQUIRED TO MONITOR THE STATUS AND DEPARTURE OF THE AGRICULTURAL WORKERS PETITIONED FOR.

THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT (MSPA) SETS STANDARDS ON WAGES, HOUSING AND TRANSPORTATION. THE ACT REQUIRES THAT CONTRACTORS OF MIGRANT FARMWORKERS REGISTER WITH THE DOL AND NOTIFY PROSPECTIVE WORKERS OF WAGES AND WORKING CONDITIONS BEFORE THEY ARE HIRED. THE MSPA ALSO REQUIRES THAT WORKERS ARE PROVIDED HOUSING AND ARE TRANSPORTED IN VEHICLES THAT MEET CERTAIN MINIMUM STANDARDS OF SAFETY. THE U.S. DEPARTMENT OF AGRICULTURE HAS BEEN WORKING UNDER THE MSPA AND THE FAIR LABOR STANDARDS ACT ON COMPLIANCE WITH VEGETABLE PRODUCE GROWERS AND PROCESSORS. (SEE ALSO SECTION VI.D.)

IN 1997, THERE WERE 23,352 POSITIONS APPROVED FOR HARVEST WORKERS, IRRIGATORS, SHEPHERDS, HORTICULTURAL WORKERS AND OTHER AGRICULTURAL TASKS. AT MINIMUM, 1.4 MILLION FOREIGN-BORN MIGRANT WORKERS ARE ENGAGED IN CROP TASKS. SUBSTANTIAL SHARES OF THESE ARE IRREGULAR MIGRANTS.

THE U.S. CONDUCTS A NATIONAL AGRICULTURAL WORKERS SURVEY (NAWS) WHICH INDICATES THAT AT PRESENT ROUGHLY 73 PERCENT OF THE 1.8 MILLION (APPROXIMATE) U.S. CROP WORKFORCE IS FROM MEXICO; ANOTHER ESTIMATED 4.9 PERCENT COME FROM OTHER PARTS OF LATIN AMERICA (WITH THE OVERWHELMING MAJORITY COMING FROM GUATEMALA) OR THE ENGLISH-SPEAKING CARIBBEAN. RELATIVELY FEW GUATEMALANS COME THROUGH LEGAL CHANNELS (H-2A). THE H-2A WORKERS HARVEST, IRRIGATE, PRUNE (IN A WIDE RANGE OF CROPS), AND SHEAR AND HERD SHEEP.

UNDER THE INA, MOST, THOUGH NOT ALL, OF MIGRANT WORKER VISAS ALLOW THE PRINCIPAL MIGRANT TO BRING IMMEDIATE FAMILY MEMBERS, E.G., A SPOUSE AND MINOR CHILDREN. DEPENDENTS MUST BE OTHERWISE ADMISSIBLE TO THE UNITED STATES. ALL DEPENDENTS OF MIGRANT WORKERS MAY NOT WORK OR ACCEPT EMPLOYMENT IN THE UNITED STATES. CHILDREN ARE AUTHORIZED TO ATTEND PUBLIC SCHOOL IN THE UNITED STATES. (SEE SECTION V.C.3.)

SINCE THE UNITED STATES DOES NOT MONITOR OUT-MIGRATION BY FOREIGN WORKERS OR U.S. NATIONALS, IT IS IMPOSSIBLE TO ESTIMATE WHAT SHARE OF THE MIGRANT WORKERS RESIDES IN THE U.S. ON A REGULAR BASIS. FURTHERMORE, A SIGNIFICANT NUMBER OF MIGRANT WORKERS, IN AGRICULTURE FOR EXAMPLE, ENTER AND LEAVE THIS COUNTRY WITHOUT INSPECTION. IT IS ESTIMATED THAT 63 PERCENT OF ALL AGRICULTURAL CROP WORKERS WHO ENTER THE COUNTRY WITHOUT INSPECTION SPEND AT LEAST ONE MONTH PER YEAR IN THEIR HOME COUNTRIES.

C. IRREGULAR MIGRANTS

MEXICO IS THE LARGEST SINGLE SOURCE OF IRREGULAR (UNDOCUMENTED) MIGRANTS TO THE U.S., ALTHOUGH PRECISE NUMBERS

FOR THIS GROUP ARE OBVIOUSLY LACKING. IT IS DIFFICULT TO DETERMINE THE NUMBER OF MIGRANT WORKERS WHO OVERSTAY THEIR VISA, SINCE VISA DATA DO NOT ALWAYS INDICATE WORK STATUS. RESEARCHERS AT THE U.S. IMMIGRATION AND NATURALIZATION SERVICE (INS), HOWEVER, HAVE ESTIMATED TOTAL NON-IMMIGRANT OVERSTAYS (INCLUDING WORKERS, STUDENTS AND TOURISTS) FOR COHORTS ENTERING IN 1985, 86, 87, AND 88. THEY ESTIMATE THAT BY 1990, 2.4 PERCENT OF THE NON-IMMIGRANTS IN THE FIRST TWO OF THESE COHORTS, AND 1.9 PERCENT (Q.q8iJAL FOR LAWFUL PERMANENT RESIDENCE (LPR) UNDER THE IRCA, INDICATED THAT 21 PERCENT OF THE LPR APPLICANTS HAD ENTERED THE U.S. LEGALLY BUT OVERSTAYED THEIR VISAS. (THIS SURVEY DID NOT INCLUDE THOSE WHO SOUGHT LPR STATUS UNDER A SPECIAL PROGRAM FOR SEASONAL AGRICULTURAL WORKERS.)

1. REGULARIZING IMMIGRATION/EMPLOYMENT STATUS

UNDER U.S. IMMIGRATION LAW, LEGALLY ADMITTED ALIENS MAY CHANGE STATUS FROM ONE NON-IMMIGRANT CLASSIFICATION TO ANOTHER NON-IMMIGRANT CLASSIFICATION (SUCH AS IN THE CASE OF "H2A" OR "H-4") WHILE LEGALLY IN THE UNITED STATES. GENERALLY, THE ALIEN MUST BE ELIGIBLE FOR THE NEW CLASSIFICATION, HAVE MAINTAINED ADMISSION STATUS, HAVE THE INTENT TO PURSUE THE NEW CLASSIFICATION, AND MUST BE ABLE TO MAINTAIN THE CLASSIFICATION.

IN THE LATE 1980S, ROUGHLY 2.7 MILLION IRREGULAR MIGRANTS SOUGHT LAWFUL PERMANENT RESIDENCE THROUGH THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA). MOST HAD ENTERED THE UNITED STATES PRIOR TO 1982. OF THE 1.6 MILLION LEGALIZING MIGRANTS WHO APPLIED BASED ON LENGTH OF RESIDENCE (RATHER THAN AS SEASONAL AGRICULTURAL WORKERS), 69 PERCENT WERE FROM MEXICO AND ANOTHER 8 PERCENT FROM EL SALVADOR. OTHER COUNTRIES OF IMPORTANCE (IN ORDER OF MAGNITUDE) WERE GUATEMALA, COLOMBIA, THE PHILIPPINES, HAITI, POLAND, IRAN, AND NICARAGUA.

2. LEGISLATION ON AND PENALTIES FOR HIRING IRREGULAR MIGRANTS

UNDER U.S. IMMIGRATION AND LABOR LAWS, THERE ARE SIGNIFICANT LEGAL AND FINANCIAL PENALTIES FOR EMPLOYERS WHO KNOWINGLY HIRE ILLEGAL, OR IRREGULAR, MIGRANT WORKERS. THE NATIONAL WORKER EXPLOITATION TASK FORCE'S TOLL-FREE COMPLAINT TELEPHONE HOTLINE HANDLES CALLS CONCERNING THE RECRUITMENT AND SMUGGLING OF FOREIGN WORKERS INTO THE U.S. FOR FORCED LABOR UNDER ABOMINABLE CONDITIONS, AS WELL AS THE ILLEGAL EXPLOITATION OF MIGRANT FARM WORKERS, SWEATSHOP FACTORY LABORERS AND OTHERS.

ALL NEW EMPLOYEES FOR ANY POSITION WITHIN THE UNITED STATES ARE REQUIRED BY IMMIGRATION AND LABOR LAW TO SHOW VALID PROOF OF AUTHORIZED EMPLOYMENT IN THE UNITED STATES. THIS IS DONE THROUGH PROPER CITIZENSHIP, LEGAL ALIEN, VISA, OR AUTHORIZED EMPLOYMENT IDENTIFICATION. EMPLOYERS ARE TO COMPLETE AND MAINTAIN ON FILE A VALID FORM FOR EACH INDIVIDUAL EMPLOYEE CERTIFYING THE EMPLOYEE,S ELIGIBILITY TO WORK IN THE UNITED

STATES. THROUGH THE "EMPLOYMENT ELIGIBILITY VERIFICATION" PROCESS, THE IMMIGRATION AND NATURALIZATION SERVICE (INS) CONDUCTS INSPECTIONS OF EMPLOYER RECORDS TO DETERMINE WHETHER AN EMPLOYER HAS COMPLIED WITH HIS OR HER OBLIGATION TO VERIFY THAT A JOB APPLICANT MAY LAWFULLY BE EMPLOYED. IF THE INSPECTION REVEALS THAT AN EMPLOYER VIOLATED THE INA, THE INS HAS THE AUTHORITY TO IMPOSE CIVIL PENALTIES OR INITIATE CRIMINAL PROCEEDINGS.

THE DEPARTMENT OF LABOR (DOL) ALSO HAS A LIMITED ROLE IN THE EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS. WHEN CONDUCTING A NON-COMPLAINT BASED INVESTIGATION, DOL INVESTIGATORS CONDUCT A CONCURRENT REVIEW OF AN EMPLOYER,S RECORDS TO DETERMINE WHETHER THE EMPLOYER IS COMPLYING WITH THE EMPLOYMENT ELIGIBILITY VERIFICATION REQUIREMENTS. THE FINDINGS OF THESE REVIEWS ARE FORWARDED TO INS FOR ANY APPROPRIATE FURTHER ACTION. DOL DOES NOT CONDUCT EMPLOYMENT ELIGIBILITY VERIFICATION INVESTIGATIONS WHEN THE INVESTIGATION WAS INITIATED BY A COMPLAINT.

V. PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

A. WOMEN'S RIGHTS

WOMEN MIGRANTS ARE COVERED UNDER THE SAME LEGISLATION (IMMIGRATION, LABOR AND OTHER) AS MIGRANT MEN. WORKING MIGRANT WOMEN ARE PROTECTED BY THE SAME WORKPLACE LAWS THAT PROTECT ALL OTHER WORKING WOMEN IN THE UNITED STATES.

IN 1996, 54 PERCENT OF THE 915,900 PERSONS WHO IMMIGRATED TO THE UNITED STATES -- I.E., ATTAINED LAWFUL PERMANENT RESIDENCE -- WERE FEMALE. OF THOSE NATURALIZING (AND REPORTING GENDER), 53 PERCENT WERE FEMALE. THE GENDER BREAKDOWNS OF NONIMMIGRANTS, REFUGEES, AND ASYLEES ARE NOT ROUTINELY PUBLISHED. STUDIES OF THE DEMOGRAPHIC CHARACTERISTICS OF IRREGULAR (UNDOCUMENTED) MIGRANT WORKERS FOCUS ON SPECIFIC GROUPS, WHICH DIFFER IN GENDER COMPOSITION. THEREFORE, IT IS NOT POSSIBLE TO ANSWER THIS QUESTION FOR ALL IRREGULAR MIGRANTS AS A SINGLE GROUP.

B. CIVIL AND POLITICAL RIGHTS

1. FREEDOM OF MOVEMENT

THE UNITED STATES DOES NOT RESTRICT THE DEPARTURE OF MIGRANTS FROM ITS TERRITORY. LEGAL MIGRANTS AND THEIR FAMILY MEMBERS MAY RETURN TO THEIR COUNTRY OF ORIGIN AND TO RETURN TO THE UNITED STATES ARE ELIGIBLE TO BE READMITTED IF THEIR PETITION AND VISA ARE STILL VALID, THEY ARE STILL IN THEIR ORIGINAL STATUS, ARE OTHERWISE ADMISSIBLE, AND ARE RFFRAGE IN THE UNITED STATES THROUGH MAIL-IN ABSENTEE BALLOTS. THEY ARE ALSO ABLE TO COMMUNICATE THEIR POLITICAL VIEWS TO THEIR ELECTED REPRESENTATIVES IN THE UNITED STATES. THEIR POLITICAL RIGHTS IN THE HOST COUNTRY DEPEND ON THAT COUNTRY,S LEGAL SYSTEM, AS WELL AS ON AN INDIVIDUAL'S PERSONAL CIRCUMSTANCES, E.G., WHETHER THE MIGRANT HOLDS DUAL CITIZENSHIP.

NON-NATURALIZED FOREIGN-BORN WORKERS, BOTH IMMIGRANT AND TEMPORARY, DO NOT HAVE THE RIGHT TO VOTE IN FEDERAL AND STATE ELECTIONS, ALTHOUGH SOME COMMUNITIES MAY ALLOW PARTICIPATION IN LOCAL REFERENDA. NONETHELESS, WORKERS, BOTH IMMIGRANT AND TEMPORARY, DO HAVE POLITICAL RIGHTS IN THIS COUNTRY. FOR EXAMPLE, THEY MAY SEEK TO APPLY POLITICAL PRESSURE UPON ELECTED POLITICIANS OR THE ELECTORAL COMMUNITY THROUGH PUBLIC MEETINGS, PROTESTS, AND OTHER ACTIVITIES AIMED AT INFLUENCING INTEREST GROUPS.

ANYONE IN THE UNITED STATES ILLEGALLY "BE THEY MIGRANT WORKER OR OTHERWISE" IS ENTITLED TO DUE PROCESS OF THE LAW. MIGRANTS PLACED INTO REMOVAL PROCEEDINGS BEFORE THE IMMIGRATION COURTS, CAN SEEK RELIEF AGAINST THEIR REMOVAL BY REQUESTING WITHHOLDING OF REMOVAL, CANCELLATION OF REMOVAL, OR ASYLUM. ALIENS IN REMOVAL PROCEEDINGS MAY BE REPRESENTED BY COUNSEL, AND THOSE WHO CANNOT AFFORD SUCH COUNSEL ARE PROVIDED WITH THE NAMES OF LAWYERS AND ORGANIZATIONS THAT PROVIDE PRO BONO REPRESENTATION. THE SUPREME COURT HAS RECENTLY RULED, HOWEVER, THAT ALIENS WHO ARE SUBJECT TO DEPORTATION DO NOT HAVE THE RIGHT OF DUE PROCESS. (SEE ALSO SECTION V.B.5.)

3. CITIZENSHIP

PURSUANT TO THE 14TH AMENDMENT TO THE U.S. CONSTITUTION, EVERY INDIVIDUAL BORN IN THE UNITED STATES AND SUBJECT TO ITS JURISDICTION IS AN AMERICAN CITIZEN, IRRESPECTIVE OF THE STATUS OF THE INDIVIDUAL,S PARENTS. THE ONLY EXCEPTION TO THIS PRINCIPLE OF JUS SOLI WOULD BE THE OFFSPRING OF INDIVIDUALS HAVING DIPLOMATIC IMMUNITY IN THE UNITED STATES. SINCE THE LATTER ARE NOT "SUBJECT TO THE JURISDICTION OF THE UNITED STATES," THEIR CHILDREN ARE NOT UNITED STATES CITIZENS. U.S. - BORN CHILDREN OF MIGRANT WORKERS, "BOTH REGULAR AND IRREGULAR," ARE ENTITLED TO U.S. CITIZENSHIP, AS EVIDENCED BY A BIRTH CERTIFICATE ISSUED BY THE STATE OF BIRTH. CHILDREN WHO ARE BORN IN THE UNITED STATES OF IRREGULAR (UNDOCUMENTED) MIGRANT WORKER PARENTS ARE CITIZENS OF THE UNITED STATES AND ARE ENTITLED TO THE SAME BENEFITS ACCORDED TO ALL UNITED STATES CITIZEN CHILDREN.

4. DIPLOMATIC REPRESENTATION AND ASSISTANCE

THE UNITED STATES MAINTAINS DIPLOMATIC AND CONSULAR RELATIONS WITH MOST INDEPENDENT NATIONS. CONSEQUENTLY, THERE ARE NEARLY 1,300 FOREIGN CONSULAR OFFICES (INCLUDING CONSULATES AND HONORARY CONSULS) IN THE UNITED STATES. IN MANY INSTANCES, FOREIGN GOVERNMENTS HAVE CONSULAR OFFICES AT VARIOUS LOCATIONS THROUGHOUT THE US. NO OBSTACLES, LEGAL OR OTHERWISE, PREVENT FOREIGN NATIONALS, INCLUDING MIGRANT WORKERS AND THEIR FAMILIES, FROM CONTACTING CONSULAR REPRESENTATIVES OF THEIR COUNTRY OF NATIONALITY AT SUCH OFFICES.

WHEN FOREIGN NATIONALS ARE DETAINED FOR LAW ENFORCEMENT PURPOSES, THEY MAY SEEK CONSULAR ASSISTANCE THROUGH DIRECT REQUEST BY MAIL OR PHONE, BY ASKING THE DETAINING AUTHORITIES TO ADVISE THEIR CONSULAR OFFICIALS OF THEIR REQUEST, OR BY

ASKING THEIR LAWYER TO CONTACT THEIR CONSULAR REPRESENTATIVES, WHO MAY THEN CALL OR VISIT THEM IN DETENTION. IN THE CASE OF ARRESTS AND DETENTION, LAW ENFORCEMENT OFFICIALS SHOULD MAKE FOREIGN NATIONALS AWARE THAT THEY MAY REQUEST THAT THE CONSULATE BE NOTIFIED OF THEIR ARREST OR DETENTION IF THEY SO DESIRE, IN ACCORDANCE WITH ARTICLE 36 OF THE VIENNA CONVENTION ON CONSULAR RELATIONS. IN ADDITION, THE UNITED STATES HAS BILATERAL CONSULAR AGREEMENTS WITH ABOUT 56 COUNTRIES THAT, IN CASES OF ARREST OR DETENTION OF NATIONALS OF THESE COUNTRIES, REQUIRE NOTIFICATION OF THE SENDING STATE'S CONSULAR OFFICIALS IN THE US REGARDLESS OF THE DETAINEE,S WISHES.

WITH RESPECT TO FOREIGN NATIONALS WHO ARE NOT DETAINED, BUT WHO WISH CONSULAR ASSISTANCE, INFORMING THEM THAT THEY MAY SEEK SUCH ASSISTANCE IS GENERALLY THE RESPONSIBILITY OF THE SENDING STATE. FOR EXAMPLE, STATES MAY INFORM THEIR CITIZENS THROUGH DOCUMENTATION SUCH AS PASSPORTS OR OTHER INFORMATIONAL MEANS OF THE SERVICES AVAILABLE FROM THE CONSULAR POSTS. (UNITED STATES PASSPORTS CONTAIN ADVICE TO THE BEARER ABOUT CONTACTING US DIPLOMATIC AND CONSULAR ESTABLISHMENTS ABROAD.)

5. DEPORTATION OF MIGRANT WORKERS

ANY IMMIGRANT WORKER CAN BE DEPORTED FROM THE UNITED STATES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT. THE SAME IS TRUE FOR LAWFULLY ADMITTED TEMPORARY WORKERS. GENERALLY, THESE LEGAL BASES INCLUDE CRIMINAL VIOLATIONS, TERRORISM, PUBLIC CHARGES, INVALID DOCUMENTS, VIOLATIONS OF STAY, OR OBTAINING A VISA THROUGH FRAUDULENT ACTIVITY.

ALL DEPORTATIONS AND REMOVALS FROM THE UNITED STATES ARE TREATED ON AN INDIVIDUAL, CASE-BY-CASE BASIS. DEPORTATION HEARINGS ARE DECIDED BY AN IMMIGRATION JUDGE UNDER THE IMMIGRATION AND NATIONALITY ACT. THE ADMINISTRATIVE PROCEDURE INVOLVES THE ALIEN BEING SERVED WITH A CHARGING DOCUMENT TO APPEAR BEFORE AN IMMIGRATION JUDGE. BOTH REGULAR AND IRREGULAR IMMIGRANT WORKERS HAVE THE RIGHT TO APPEAL THE JUDGE'S DECISION TO THE BOARD OF IMMIGRATION APPEALS (BIA). IF THE BIA UPHOLDS THE REMOVAL ORDER, AN ALIEN CAN APPEAL TO THE FEDERAL JUDICIAL COURTS. THOSE COURTS CAN OVERTURN THE REMOVAL ORDER AND, IF THEY DETERMINE COMPENSATION IS WARRANTED, AWARD SUCH COMPENSATION.

IF ORDERED DEPORTED, THE ALIEN IS GIVEN A REASONABLE TIME TO LEAVE THE UNITED STATES. THE ALIEN MAY BE REQUIRED TO OBTAIN DEPARTURE VERIFICATION. EXCEPTIONS INVOLVE CRIMINAL VIOLATIONS, WHERE THE ALIEN MAY BE IMMEDIATELY DEPORTED. AN IMMIGRANT WORKER AND HIS FAMILY MEMBERS WHO ARE EXPELLED FROM THE UNITED STATES CAN GO TO A COUNTRY OTHER THAN HIS COUNTRY OF ORIGIN, DEPENDING ON THE INDIVIDUAL CIRCUMSTANCES INVOLVING RESIDENCE AND NATIONALITY.

ADMINISTRATIVE AND JUDICIAL DECISIONS ARE ISSUED IN ENGLISH. IF THE DECISION IS MADE DURING A HEARING, ALIENS WHO DO NOT SPEAK AND UNDERSTAND THE LANGUAGE ARE GENERALLY INFORMED OF THE DECISION THROUGH AN INTERPRETER. WRITTEN DECISIONS,

HOWEVER, ARE NOT TRANSLATED.

C. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

1. FREEDOM OF BELIEF, CONSCIENCE AND RELIGION

ALL RESIDENTS OF THE UNITED STATES, NATIVE OR FOREIGN-BORN, EMPLOYED OR UNEMPLOYED, HAVE UNRESTRICTED FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION. MOST MANIFESTATIONS OF RELIGIOUS BELIEF, E.G., DRESS REQUIREMENTS, DIETARY RESTRICTIONS, FOR MS OF WORSHIP, ARE PROTECTED BY THE U.S. CONSTITUTION. NONETHELESS, THERE ARE CERTAIN RELIGIOUS AND CULTURAL PRACTICES, SUCH AS FEMALE CIRCUMCISION, EARLY-ARRANGED MARRIAGES, AND POLYGAMY THAT CONFLICT WITH U.S. LAW. IN SUCH INSTANCES, U.S. LAW PREVAILS.

2. LABOR RIGHTS

ALL MIGRANT WORKERS IN THE UNITED STATES ARE COVERED BY PROVISIONS OF U.S. FAIR LABOR LAWS GUARANTEEING THEIR HUMAN AND OTHER RIGHTS. VIOLATIONS OF THOSE LAWS ARE INVESTIGATED AND PROSECUTED. MOREOVER, DIFFERENT AGENCIES AND ORGANIZATIONS CONDUCT MANY ACTIVITIES ALL ACROSS THE COUNTRY TO PROMOTE THE RIGHTS OF MIGRANT WORKERS AND THEIR FAMILY MEMBERS. FOR EXAMPLE, THE DEPARTMENT OF LABOR IS CURRENTLY ENGAGING IN AN ONGOING CAMPAIGN OF EDUCATION AND OUTREACH CALLED "FAIR HARVEST SAFE HARVEST." THIS NATIONWIDE CAMPAIGN IS DESIGNED TO EDUCATE MIGRANT FARM WORKERS AND THEIR FAMILIES AS TO THEIR RIGHTS UNDER THE LAW BY GETTING IMPORTANT INFORMATION DIRECTLY INTO THEIR HANDS. THE INFORMATION IS CONTAINED ON WALLET- SIZE CARDS THAT THE WORKERS CAN ACTUALLY CARRY WITH THEM. THE INFORMATION ON THE CARDS IS IN BOTH ENGLISH AND SPANISH, AND ALSO CONTAINS A TOLL-FREE NUMBER THAT THE WORKERS CAN CALL TO GET ADDITIONAL INFORMATION. IN ADDITION, THE DEPARTMENT OF LABOR AND THE DEPARTMENT OF JUSTICE HAVE JOINED TOGETHER TO FORM THE WORKER EXPLOITATION TASK FORCE DESIGNED TO SEEK OUT AND PROSECUTE INSTANCES OF SERIOUS LABOR LAW VIOLATIONS COMMITTED AGAINST MIGRANT WORKERS.

THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT (MSPA) SETS STANDARDS ON WAGES, HOUSING AND TRANSPORTATION. THE ACT REQUIRES THAT CONTRACTORS OF MIGRANT FARMWORKERS REGISTER WITH THE DOL AND NOTIFY PROSPECTIVE WORKERS OF WAGES AND WORKING CONDITIONS BEFORE THEY ARE HIRED. THE MSPA ALSO REQUIRES THAT WORKERS ARE PROVIDED HOUSING AND ARE TRANSPORTED IN VEHICLES THAT MEET CERTAIN MINIMUM STANDARDS OF SAFETY. THE U.S. DEPARTMENT OF AGRICULTURE HAS BEEN WORKING UNDER THE MSPA AND THE FSLA ON COMPLIANCE WITH VEGETABLE PRODUCE GROWERS AND PROCESSORS.

IN 1998, THE PRESIDENT ESTABLISHED THE NATIONAL WORKER EXPLOITATION TASK FORCE (WETF), WHICH COMPRISES REPRESENTATIVES FROM THE THE U.S. ATTORNEY GENERAL'S OFFICE, THE FEDERAL BUREAU OF INVESTIGATION, THE IMMIGRATION AND NATURALIZATION SERVICE, THE DEPARTMENT OF JUSTICE'S CIVIL RIGHTS DIVISION, VIOLENCE AGAINST WOMEN OFFICE, OFFICE OF

VICTIMS OF CRIME, THE DEPARTMENT OF STATE AND THE DEPARTMENT OF LABOR. WETF'S MISSION IS THE INVESTIGATION, PROSECUTION AND PREVENTION OF THE EXPLOITATION OF WORKERS THROUGHOUT THE UNITED STATES AND ITS TERRITORIES. THE NATIONAL WORKER EXPLOITATION TASK FORCE (WETF) IS WORKING TO ENFORCE MORE VIGOROUSLY EXISTING FEDERAL CRIMINAL CIVIL RIGHTS LAWS WHICH MAKE IT ILLEGAL TO HOLD A PERSON IN INVOLUNTARY SERVITUDE OR PEONAGE. THESE STATUTES ARE OFTEN USED TO PROSECUTE FARM LABOR CONTRACTORS, AND OTHER BUSINESSES AND EMPLOYERS, WHO RECRUIT MIGRANT LABOR WITH PROMISES OF FOOD, SHELTER, AND GOOD WAGES. IN MANY CASES THESE WORKERS, INCLUDING WOMEN AND CHILDREN, ARE FORCED TO WORK EITHER WITHOUT PAY OR FOR REDUCED WAGES TO PAY OFF ALLEGED DEBTS OWED THEIR EMPLOYERS.

A. FREEDOM OF ASSOCIATION, RIGHT TO ORGANIZE OR JOIN UNIONS

MIGRANT WORKERS IN THE U.S. DO HAVE THE RIGHT TO ORGANIZE AND JOIN TRADE UNIONS. (THE LAW EXCLUDES CERTAIN SALARIED PERSONNEL AND SUPERVISORS FROM BARGAINING RIGHTS, REGARDLESS OF IMMIGRATION STATUS.) MANY UNIONS CERTIFIED BY THE NATIONAL LABOR RELATIONS BOARD (NLRB), SUCH AS THE SERVICE EMPLOYEES (SEIU), FARM WORKERS (UFW), AND TEXTILE WORKERS (UNITE) HAVE LOCALS WHERE MIGRANT WORKERS COMPOSE THE MAJORITY OF SOME UNION LOCALS. IN A RECENT CASE BEFORE THE U.S. COURT OF APPEALS FOR THE NINTH DISTRICT, A RULING UPHELD THE NLRB'S DECISION THAT ILLEGAL ALIENS OR UNDOCUMENTED WORKERS ARE ENTITLED TO VOTE FOR UNION REPRESENTATION IF THEY ARE EMPLOYED AT THE SPECIFIC WORKSITE BEING ORGANIZED.

B. WAGES, TAXES AND BENEFITS

ALL ALIENS ORDERED REMOVED FROM THE UNITED STATES ARE ENTITLED TO KEEP THE WAGES THEY EARNED. UNDER THE FAIR LABOR STANDARDS ACT (FLSA) AND OTHER LAWS ENFORCED BY THE DEPARTMENT OF LABOR, WHICH DEAL WITH EMPLOYEE WAGES AND WORKING CONDITIONS, A PERSON'S IMMIGRATION STATUS DOES NOT AFFECT HIS OR HER ENTITLEMENT TO RECEIVE PROPER PAYMENT FOR ALL HOURS WORKED. THE DEPARTMENT OF LABOR COLLECTS BACK WAGES FROM PROBLEM EMPLOYERS ON BEHALF OF WRONGED EMPLOYEES. WHEN THESE WORKERS HAVE ALREADY BEEN DEPORTED, DOL, WORKING WITH OTHER AGENCIES (I.E., THE DEPARTMENT OF STATE, THE IMMIGRATION AND NATIONALIZATION SERVICE), MAKES EVERY REASONABLE EFFORT TO LOCATE THE EXPELLED OR DEPORTED WORKERS SO THAT THEY RECEIVE THESE BACK WAGES.

WORKERS, BOTH IMMIGRANT AND TEMPORARY, ARE FREE TO TRANSFER FUNDS AND PERSONAL EFFECTS, SUBJECT TO ANY RESTRICTIONS THAT ARE ALSO APPLICABLE TO U.S. CITIZENS. THE U.S. CUSTOMS SERVICE AT THE DEPARTMENT OF THE TREASURY ENFORCES ANY SUCH RESTRICTIONS ON THE MOVEMENT OF FUNDS AND PERSONAL EFFECTS. ALL BANKS AND OTHER FINANCIAL INSTITUTIONS THAT FACILITATE THE INTERNATIONAL TRANSFER OF FUNDS ARE REQUIRED TO REPORT TO TREASURY ALL TRANSFERS OF \$10,000 OR MORE. THIS MONITORING SYSTEM APPLIES TO EVERYONE AND IS USED PRIMARILY TO COMBAT THE ILLEGAL LAUNDERING OF MONEY.

SINCE 1992, THE SOCIAL SECURITY ADMINISTRATION (SSA) HAS BEEN INVOLVED IN PUBLIC EDUCATION PROGRAMS TAILORED TO PROVIDE

SOCIAL SECURITY INFORMATION TO AGRICULTURAL WORKERS, CREW LEADERS, GROWERS, AND CONTRACTORS.

MIGRANT WORKERS WHO ARE LEGALLY ADMITTED BY THE IMMIGRATION AND NATURALIZATION SERVICE TO WORK IN THE UNITED STATES MUST PROVIDE A SOCIAL SECURITY NUMBER TO THEIR EMPLOYER IN ORDER TO ENSURE THAT SOCIAL SECURITY AND MEDICARE TAXES WILL BE PROPERLY WITHHELD. IT IS VERY IMPORTANT THAT BOTH THE EMPLOYER AND THE WORKER KEEP ACCURATE RECORDS SO THAT ANY REQUIRED TAXES ARE WITHHELD AND COVERED EARNINGS ARE CORRECTLY REPORTED. EMPLOYERS WHO DO NOT WITHHOLD THE REQUIRED TAX, SUBMIT THE REQUIRED REPORTS, OR ISSUE THE REQUIRED WAGE STATEMENTS TO THE WORKER, MAY INCUR PENALTIES. IRREGULAR IMMIGRANT WORKERS ARE REQUIRED BY LAW TO PAY TAXES ON THEIR SALARIES OR WAGES. NONETHELESS, THOSE WORKING IN IRREGULAR SECTORS, SUCH AS DOMESTIC SERVICE, MAY OFTEN FAIL TO REPORT, AND PAY TAXES ON, THEIR EARNINGS.

COVERED WAGES ARE POSTED TO AN INDIVIDUAL'S RECORD IN ORDER TO EARN U.S. SOCIAL SECURITY CREDITS FOR BENEFIT PURPOSES. THE NUMBER OF CREDITS NEEDED DEPENDS ON THE WORKER'S AGE AND THE TYPE OF BENEFIT FOR WHICH HE/SHE IS ELIGIBLE. A YOUNGER WORKER MAY ALSO QUALIFY FOR DISABILITY OR SURVIVOR'S BENEFITS.

NON-CITIZENS, THEIR DEPENDENTS AND SURVIVORS WHO QUALIFY FOR U.S. SOCIAL SECURITY BENEFITS MAY RECEIVE UNRESTRICTED PAYMENTS WHILE RESIDING OUTSIDE THE UNITED STATES OVER SIX MONTHS IF THEY MEET ONE OF THE EXCEPTIONS SPECIFIED IN THE U.S. SOCIAL SECURITY ACT. CITIZENS OF MEXICO, FOR EXAMPLE, MEET THE EXCEPTION SPECIFIED IN SECTION 202(T)(2) OF THE ACT.

3. EDUCATION FOR MIGRANT WORKERS AND THEIR FAMILIES

IN 1982, THE U.S. SUPREME COURT RULED THAT IT IS UNCONSTITUTIONAL UNDER THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION FOR A STATE TO DENY UNDOCUMENTED MIGRANT SCHOOL-AGE CHILDREN THE BENEFITS OF FREE PUBLIC EDUCATION OTHERWISE PROVIDED TO CHILDREN WHO ARE CITIZENS OF THE UNITED STATES OR LEGALLY-ADMITTED IMMIGRANTS. SEE PLYLER V. DOE, 457 U.S. 202 (1982). THE SUPREME COURT RULED THAT CHILDREN ARE BLAMELESS FOR THE UNLAWFUL CONDUCT OF THEIR PARENTS; SO THE DENIAL OF EDUCATIONAL SERVICES WOULD BE A SEVERE PUNISHMENT OF INNOCENT CHILDREN.

WITHIN THE U.S. DEPARTMENT OF EDUCATION, THE OFFICE FOR CIVIL RIGHTS (OCR) ENFORCES TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, WHICH PROHIBIT DISCRIMINATION ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN BY RECIPIENTS OF U.S. FEDERAL FINANCIAL ASSISTANCE IN THE DELIVERY OF PROGRAMS, ACTIVITIES, AND SERVICES. ALTHOUGH TITLE VI JURISDICTION DOES NOT SPECIFICALLY EXTEND TO "MIGRANT STATUS" OR CITIZENSHIP IN GENERAL, IT DOES PROHIBIT DISCRIMINATION AGAINST ANY PERSON IN THE UNITED STATES ON THE BASIS OF HIS OR HER RACE OR NATIONAL ORIGIN, REGARDLESS OF WHETHER PROTECTED BY TITLE VI FROM DISCRIMINATION BASED ON THEIR RACE, COLOR, OR NATIONAL ORIGIN, REGARDLESS OF VISA STATUS. OCR IS UNABLE TO IDENTIFY

ANY CASE RESOLVED IN THE LAST TEN YEARS OF A VIOLATION OF TITLE VI FOR DENYING OR RESTRICTING ACCESS FOR CHILDREN OF IMMIGRANT WORKERS TO A PUBLIC SCHOOL, ON THE BASIS OF NATIONAL ORIGIN.

IN TERMS OF EDUCATION, BOTH THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED (20 USC 6391 ET SEQ.), AND THE HIGHER EDUCATION ACT, AS AMENDED (20 USC 1070D-2) INCLUDE PROGRAMS TO SERVE THE CHILDREN OF MIGRANT WORKERS. FUNDED UNDER TITLE I, PART C OF ESEA, THE MIGRANT EDUCATION PROGRAM (MEP PROVIDES FORMULA GRANTS TO STATES FOR PROGRAMS THAT PROVIDE BOTH SUPPLEMENTAL INSTRUCTION AND SUPPORT SERVICES TO CHILDREN OF MIGRATORY AGRICULTURAL WORKERS AND FISHERS. CURRENTLY, MEP PROGRAMS OPERATE IN 49 STATES, THE DISTRICT OF COLUMBIA AND PUERTO RICO, AND ARE COORDINATED WITH OTHER FEDERAL, STATE AND LOCAL EDUCATIONAL PROGRAMS. AS DEFINED IN THE STATUTE, A MIGRANT CHILD IS ANY CHILD BETWEEN 3 AND 21 YEARS OF AGE (AND WITHOUT A HIGH SCHOOL DIPLOMA OR EQUIVALENT) WHO HAS MOVED, WITHIN THE PRECEDING 36 MONTHS, FROM ONE SCHOOL DISTRICT TO ANOTHER BECAUSE THEY HAVE RELOCATED ON THEIR OWN OR WITH THEIR PARENTS IN ORDER TO SEEK TEMPORARY OR SEASONAL EMPLOYMENT IN AGRICULTURAL OR FISHING AS A PRINCIPAL MEANS OF LIVELIHOOD.

FUNDED UNDER TITLE I, PART B OF ESEA, THE MIGRANT EDUCATION EVEN START PROGRAM (MEES) PROVIDES COMPETITIVE GRANTS TO PROGRAMS WHICH INTEGRATE EARLY CHILDHOOD EDUCATION, ADULT LITERACY OR ADULT BASIC EDUCATION, AND PARENT EDUCATION INTO A UNIFIED FAMILY LITERACY PROGRAM, SO AS TO HELP MIGRANT FAMILIES BREAK THE TWIN CYCLES OF POVERTY AND ILLITERACY.

THE HIGH SCHOOL EQUIVALENCY PROGRAM (HEP) FUNDED UNDER THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C., 1070D-2B) PROVIDES COMPETITIVE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (IHE), OR OTHER NON-PROFIT ORGANIZATIONS IN COOPERATION WITH AN IHE, TO PROVIDE ACADEMIC AND SUPPORT SERVICES, INCLUDING COUNSELING, HEALTH SERVICES, STIPENDS, AND JOB OR EDUCATION PLACEMENT TO ELIGIBLE MIGRANT OR SEASONAL FARM-WORKERS, OR SPECIFIED FAMILY MEMBERS. THE HEP PROGRAM PROVIDES INSTRUCTION AND SUPPORT SERVICES TO HELP PARTICIPANTS OBTAIN A GENERAL EDUCATION DIPLOMA AND SUBSEQUENTLY TO ENTER AN INSTITUTION OF POSTSECONDARY EDUCATION, A JOB TRAINING PROGRAM, OR THE WORKPLACE.

THE COLLEGE ASSISTANCE MIGRANT PROGRAM (CAMP) FUNDED UNDER THE HIGHER EDUCATION ACT OF 1965 (20 U.S.C., 1070D-2B) PROVIDES COMPETITIVE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION (IHE), OR OTHER NON-PROFIT ORGANIZATIONS IN COOPERATION WITH AN IHE, TO PROVIDE HELP TO MIGRANT STUDENTS DURING THEIR FIRST YEAR OF COLLEGE. CAMP PROVIDES TUTORING SERVICES, COUNSELING AND HEALTH SERVICES, COLLEGE TRANSFER ASSISTANCE, AND FINANCIAL AID.

4. HEALTH CARE

THE UNITED STATES DOES NOT HAVE A "NATIONAL (I.E., UNIVERSAL)

HEALTH PROGRAM." IRREGULAR (UNDOCUMENTED) MIGRANT WORKERS ARE NOT ELIGIBLE FOR THE LARGEST INDIGENT HEALTH CARE PROGRAM, MEDICAID, BY VIRTUE OF THEIR LACK OF APPROVED IMMIGRATION STATUS.

NONETHELESS, COMMUNITY AND MIGRANT HEALTH CENTERS, WHICH ARE FOUND IN MOST STATES AND ARE SUPPORTED IN PART BY FEDERAL GRANT FUNDING, ARE REQUIRED BY LAW TO DELIVER PRIMARY AND PREVENTIVE CARE TO ALL, REGARDLESS OF OF A PERSON'S IMMIGRATION STATUS OR ABILITY TO PAY. THE TYPES OF SERVICES THIS INCLUDES ARE WELL-ADULT/CHILD/BABY VISITS, PRE- AND POST-NATAL SERVICES, IMMUNIZATIONS, ACUTE AND CHRONIC HEALTH CARE, CASE MANAGEMENT, AND REFERRALS AS NEEDED.

THERE ARE FEDERAL STATUTES PROVIDING THE BASES FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES' MIGRANT HEALTH PROGRAM AS WELL AS THE DEPARTMENT OF LABOR'S MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION PROGRAM.

D. NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS

THERE ARE NUMEROUS NON-GOVERNMENTAL ORGANIZATIONS (NGOS), AS WELL AS STATE AND LOCAL, RELIGIOUS AND CHARITABLE ORGANIZATIONS THAT PROMOTE AND PROTECT MIGRANTS, RIGHTS. BECAUSE THEY HAVE FREE RIGHTS OF ASSOCIATION, MOST ARE NOT FORMALLY "RECOGNIZED" BY THE FEDERAL GOVERNMENT, PER SE.

FOR A SAMPLE LISTING OF SUCH ORGANIZATIONS, THE FOLLOWING PUBLICATION, "HARVESTS OF HOPE - DIRECTORY OF SERVICES FOR MIGRANT SEASONAL FARMWORKERS AND THEIR FAMILIES" IS ENCLOSED FOR YOUR INFORMATION.

VI. HUMAN RIGHTS ABUSES

A. XENOPHOBIA OR RACISM AGAINST MIGRANT WORKERS

IMMIGRATION IS A CONTROVERSIAL SUBJECT IN THE UNITED STATES. MOST AMERICANS RECOGNIZE THAT THE UNITED STATES IS A NATION OF IMMIGRANTS YET MANY ARE CONCERNED ABOUT THE NOTION OF AN OPEN DOOR POLICY. THE RANGE OF BELIEFS CONCERNING MIGRANT WORKERS RUNS FROM OVERWHELMING ACCEPTANCE TO INTENSE XENOPHOBIA/RACISM.

UNFORTUNATELY, CASES INVOLVING SERIOUS ABUSE OF MIGRANT WORKERS DO OCCUR. ORGANIZED HATE GROUPS THAT MAY BE INVOLVED IN SUCH ACTS INCLUDE NEO-NAZI SKINHEADS, THE ARYAN NATION, THE KU KLUX KLAN, VARIOUS MILITIAS, THE NATIONAL ALLIANCE, AND THE WHITE ARYAN RESISTANCE. EMPLOYERS AND SMUGGLING OPERATIONS MAY ALSO BE INVOLVED IN SUCH CASES. WHEN INVESTIGATIONS UNCOVER SUCH ABUSE, FEDERAL AGENCIES VIGOROUSLY PURSUE EFFORTS TO BRING THE OFFENDING PARTY TO JUSTICE AND TO ASSIST THE VICTIMS.

THE FEDERAL GOVERNMENT HAS TAKEN A LEADERSHIP ROLE IN CONFRONTING CRIMINAL ACTIVITY FACING MIGRANT WORKERS, AND OTHERS. THE HATE CRIME STATISTICS ACT REQUIRES THE JUSTICE DEPARTMENT TO ACQUIRE DATA ON CRIMES THAT MANIFEST PREJUDICE BASED UPON RACE, RELIGION, SEXUAL ORIENTATION, OR ETHNICITY, AND TO PUBLISH ANNUAL FINDINGS. THE HATE CRIMES SENTENCING ENHANCEMENT ACT PROVIDES FOR SENTENCING ENHANCEMENT FOR

CRIMES THAT ARE "HATE CRIMES." A NUMBER OF STATES ALSO HAVE ENACTED HATE CRIME STATUTORY PROVISIONS COVERING VIOLENCE AND INTIMIDATION, CIVIL ACTION, CRIMINAL PENALTIES, DATA COLLECTION, AND TRAINING FOR LAW ENFORCEMENT PERSONNEL.

THERE ARE MANY FEDERAL, STATE AND LOCAL LAWS THAT PROHIBIT CERTAIN ACTIONS TAKEN AGAINST MIGRANT WORKERS. THESE LAWS INCLUDE CRIMINAL PROHIBITIONS CONCERNING THE DEPRIVATION OF PERSONAL LIBERTIES (RACIAL VIOLENCE, MISCONDUCT BY LOCAL AND FEDERAL LAW ENFORCEMENT OFFICIALS, VIOLATIONS OF THE PEONAGE AND INVOLUNTARY SERVITUDE STATUTES THAT PROTECT MIGRANT WORKERS AND OTHERS FROM BEING HELD IN BONDAGE); PROHIBITIONS AGAINST THE USE OF FORCE OR THREATS OF FORCE TO INJURE OR INTIMIDATE ANY PERSON INVOLVED IN THE EXERCISE OF CERTAIN FEDERAL RIGHTS AND ACTIVITIES, THE FAIR LABOR STANDARDS ACT, THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT, AND TYPICAL CRIMINAL STATUTES COVERING ASSAULT, BATTERY, KIDNAPPING AND OTHER VIOLENT CRIMES. CIVIL PROHIBITIONS INCLUDE ANTI-DISCRIMINATION LAWS IN EMPLOYMENT, LABOR PROTECTIONS (FAIR WAGES, OVERTIME, HOUSING CONDITIONS), AND SAFETY PROTECTIONS.

TH:ON PROVISION OF THE IMMIGRATION AND NATIONALITY ACT (INA), 8 U.S.C. U 1324B. THE LAW WAS ENACTED IN RESPONSE TO CONCERNS THAT EMPLOYERS, FACED WITH NEW EMPLOYEE VERIFICATION PROCEDURES IMPOSED BY IRCA, WOULD REFUSE TO HIRE PEOPLE WHO LOOK OR SOUND "FOREIGN." THE LAW PROHIBITS CITIZENSHIP STATUS AND NATIONAL ORIGIN DISCRIMINATION WITH RESPECT TO HIRING, FIRING OR REFERRAL OR RECRUITMENT FOR A FEE. THE LAW ALSO PROHIBITS UNFAIR DOCUMENTARY PRACTICES WITH RESPECT TO EMPLOYMENT ELIGIBILITY VERIFICATION. EMPLOYERS THAT VIOLATE THE LAW ARE SUBJECT TO CIVIL PENALTIES (RANGING FROM \$110 TO \$11,200 PER VIOLATION) AND THE PAYMENT OF FULL BACK PAY TO VICTIMS.

THE UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES (OSC), INVESTIGATES AND PROSECUTES CHARGES OF IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES IN AN EFFORT TO ENSURE THAT WORK AUTHORIZED INDIVIDUALS ARE NOT DISCRIMINATED AGAINST BY EMPLOYERS.

B. HUMAN RIGHTS ABUSES BY POLICE OR IMMIGRATION OFFICIALS

ON NOVEMBER 20, 1994 THE UNITED STATES RATIFIED (THEREBY BRINGING INTO FULL FORCE WITHIN THE U.S.) THE U.N. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.

THE U.S. DEPARTMENT OF JUSTICE HAS PROSECUTED MATTERS INVOLVING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT OFFICERS AGAINST MIGRANT WORKER, AND OTHER UNDOCUMENTED, VICTIMS. FOR EXAMPLE, THE CRIMINAL SECTION OF THE CIVIL RIGHTS DIVISION, AND UNITED STATES ATTORNEY,S OFFICE IN SAN DIEGO, PROSECUTED FORMER UNITED STATES MARINE CORPS MILITARY POLICE OFFICERS FOR THEIR ROLE IN THE BEATING OF MIGRANT FARMWORKERS AFTER AN EXTENSIVE FEDERAL INVESTIGATION. FIVE OF THE OFFICERS PLED GUILTY TO CIVIL RIGHTS CONSPIRACY AND CONSPIRACY TO COMMIT FALSE STATEMENTS CHARGES. A

CO-DEFENDANT, ANOTHER FORMER MARINE, WAS CONVICTED AFTER TRIAL OF HIS ROLE IN THE BEATING.

C. TRAFFICKING OF IRREGULAR MIGRANT WORKERS

OWING TO THE NATURE AND AVAILABILITY OF AGRICULTURAL WORK IN THE UNITED STATES, THE IMMIGRATION AND NATURALIZATION SERVICE HAS UNCOVERED NUMEROUS SCHEMES BY UNSCRUPULOUS EMPLOYERS TO USE ILLEGAL, OR IRREGULAR, MIGRANT WORKERS TO THEIR BENEFIT. MOREOVER, UNDOCUMENTED WORKERS ARE ATTRACTED TO AGRICULTURAL WORK BECAUSE OF RELATIVELY LOW SKILL REQUIREMENTS AND REMOTE RURAL LOCATIONS.

NEARLY EVERY DAY, U.S. IMMIGRATION INVESTIGATORS UNCOVER ORGANIZED ILLEGAL MIGRANT TRAFFICKING SCHEMES IN ALL PARTS OF THE UNITED STATES. INDIVIDUALS AND ORGANIZATIONS CARRY OUT ORGANIZED MIGRANT TRAFFICKING. RECRUITMENT OF ILLEGAL MIGRANT PARTICIPANTS IS OFTEN DONE BY OTHER ILLEGAL MIGRANTS WITHIN THEIR U.S. OR FOREIGN COMMUNITIES. SOME ORGANIZED MIGRANT SMUGGLING UNITS EVEN ADVERTISE THEIR SERVICES IN FOREIGN COUNTRIES.

THE UNITED STATES IS ALWAYS ACTIVELY INVOLVED IN PREVENTING ILLEGAL MIGRATION OF ALL TYPES. EXTENSIVE USE IS MADE OF THE WIDE VARIETY OF LEGAL TOOLS AVAILABLE TO COMBAT ILLEGAL MIGRANT TRAFFICKING. SOME SPECIFIC CRIMINAL CHARGES THAT INVOKE SIGNIFICANT FINANCIAL AND LEGAL PENALTIES ARE: BRINGING/HARBORING CERTAIN ALIENS FOR FINANCIAL GAIN, AND AIDING/ASSISTING CERTAIN ALIENS FOR FINANCIAL GAIN). IN ADDITION, OFTEN SOME GENERAL CRIMINAL VIOLATIONS ARE CHARGED TO INCREASE THE POSSIBLE PENALTIES. THESE INCLUDE AIDING AND ABETTING, ACCESSORY AFTER THE FACT, CONCEALMENT, AND CONSPIRACY. THE UNITED STATES ACTIVELY PURSUES ALIEN SMUGGLERS AND EMPLOYERS WHO KNOWINGLY HIRE UNDOCUMENTED WORKERS, AND BOTH ARE SUBJECT TO A VARIETY OF CRIMINAL OR CIVIL PENALTIES UNDER U.S. LAW. ANY PERSON CONVICTED OF ALIEN SMUGGLING CAN BE FINED, IMPRISONED FROM FIVE TO 20 YEARS, OR, WHEN THE SMUGGLING RESULTS IN DEATH, BE SENTENCED TO CAPITAL PUNISHMENT OR A LIFE SENTENCE. IN DECEMBER 1998, THE UNITED STATES BROKE UP THE LARGEST ALIEN SMUGGLING OPERATION IN U.S. HISTORY, ARRESTING AND INDICTING MORE THAN 20 PEOPLE. THEIR PROSECUTION CONTINUES.

D. ABUSIVE WORKING CONDITIONS

THE DEPARTMENT OF LABOR IS RESPONSIBLE FOR ENFORCING THE NATION,S LAWS PROTECTING WORKERS FROM ABUSIVE LABOR CONDITIONS. THESE LAWS APPLY TO BOTH NATIVE AND MIGRANT WORKERS, AND BOTH REGULAR AND IRREGULAR MIGRANTS. THE ISSUE OF WHETHER A WORKER IS LEGALLY IN THIS COUNTRY IS NOT A PART OF THE LABOR DEPARTMENT,S MANDATE, AND THEREFORE, THE DOL DOES NOT ATTEMPT TO ASCERTAIN THE IMMIGRATION STATUS OF WORKERS. NONETHELESS, WE DO KNOW THAT UNDOCUMENTED WORKERS FILL MANY LOW WAGE JOBS IN THIS COUNTRY, AND THAT MANY OF THESE WORKERS ARE TOO OFTEN EMPLOYED IN VIOLATION OF LABOR STANDARDS. ONE OF THE PRIMARY CRITERIA USED BY THE DOL IN TARGETING ITS ENFORCEMENT RESOURCES IS THE PRESENCE OF IMMIGRANT WORKERS IN THE WORKFORCE. FOR INSTANCE, THE INDUSTRIES CURRENTLY BEING TARGETED FOR EXAMINATION BY THE DOL ARE RESIDENTIAL HEALTH CARE, GARMENT PRODUCTION, AND

AGRICULTURE -- ALL INDUSTRIES WITH A SUBSTANTIAL PERCENTAGE OF IMMIGRANT WORKERS.

THE DEPARTMENT OF LABOR ENGAGES IN A PROACTIVE, NATIONWIDE PROGRAM OF EDUCATION AND OUTREACH COMBINED WITH ENFORCEMENT (INCLUDING THE IMPOSITION OF SANCTIONS AND INITIATION OF JUDICIAL PROCEEDINGS), IN AN EFFORT TO EDUCATE BOTH WORKERS AND EMPLOYERS AS TO THEIR RIGHTS AND OBLIGATIONS UNDER THE LAW.

IN FISCAL YEAR 1998, THE DEPARTMENT OF LABOR CONDUCTED OVER 18,000 INVESTIGATIONS IN THE SEVEN LOW WAGE INDUSTRIES TARGETED FOR ENFORCEMENT EMPHASIS (AGRICULTURE, GARMENT MANUFACTURING, RESTAURANTS, HEALTH CARE, HOTELS AND MOTELS, JANITORIAL SERVICES, AND GUARD SERVICES). THESE LOW WAGE INDUSTRY INVESTIGATIONS DISCLOSED A TOTAL OF \$40,000,000 IN UNPAID WAGES OWED TO OVER 80,400 WORKERS. MANY BUSINESSES IN THE LOW WAGE INDUSTRIES ARE KNOWN TO BE HEAVILY DEPENDENT UPON UNDOCUMENTED WORKERS.

INS INVOLVEMENT IS MOSTLY LIMITED TO UNDOCUMENTED ILLEGAL WORKERS. UNSCRUPULOUS EMPLOYERS HAVE ENGAGED UNDOCUMENTED WORKERS FOR THE PERIOD OF TIME NECESSARY TO HARVEST THEIR CROP. THEY THEN CONTACT THE INS TO REPORT THAT THERE ARE PEOPLE WORKING WITHOUT AUTHORIZATION TO AVOID PAYING MIGRANT SALARIES.

FEDERAL STATUTES CRIMINALIZE VARIOUS FORMS OF WORKER EXPLOITATION: INVOLUNTARY SERVITUDE AND OTHER FEDERAL CRIMINAL CIVIL RIGHTS VIOLATIONS; COLLECTION OF EXTENSION OF CREDIT BY EXTORTIONATE MEANS; ALIEN SMUGGLING OR HARBORING; FAIR LABOR STANDARDS ACT VIOLATIONS; AND SEASONAL WORKER PROTECTION ACT VIOLATIONS. TRIAL LAWYERS FROM THE CRIMINAL SECTION OF THE CIVIL RIGHTS DIVISION AND THE VARIOUS UNITED STATES ATTORNEYS' OFFICES ROUTINELY PROSECUTE THESE MATTERS. THE FOLLOWING EXAMPLES INDICATE THE KINDS OF ABUSES THAT HAVE BEEN UNCOVERED AND PURSUED:

--IN 1995, FEDERAL AUTHORITIES INVESTIGATED AND PROSECUTED A MATTER INVOLVING THE SMUGGLING OF OVER 70 THAI WOMEN AND MEN INTO THE UNITED STATES WHO WERE ENSLAVED IN EL MONTE, CALIFORNIA FOR UP TO SEVEN YEARS. THESE INDIVIDUALS WERE HELD IN A GUARDED COMPOUND AND FORCED TO WORK. THE SWEATSHOP OWNERS WERE PROSECUTED FOR VIOLATIONS OF INVOLUNTARY SERVITUDE, CONSPIRACY, AND IMMIGRATION LAWS.

--IN 1997, THREE MEN SERVING AS CREW LEADERS AT A LABOR CAMP IN SOUTH CAROLINA PLED GUILTY TO RECRUITING AND FORCING MIGRANT LABORERS TO WORK AGAINST THEIR WILL. THE LEADERS OF THIS ENTERPRISE PLED GUILTY TO A NUMBER OF CIVIL RIGHTS, EXTORTION, IMMIGRATION AND LABOR CHARGES, AND WERE SENTENCED TO 15 YEARS INCARCERATION.

--IN MAY OF 1997, AFTER AN EXTENSIVE INVESTIGATION CONDUCTED JOINTLY WITH THE DOJ/INS, MIGUEL ANGEL FLORES PLEAD GUILTY IN SOUTH CAROLINA TO 1 COUNT OF CONSPIRACY, 7 COUNTS OF SMUGGLING UNDOCUMENTED ALIENS, 6 COUNTS OF INDENTURED SERVITUDE, 6 COUNTS OF EXTORTION, AND 2 COUNTS OF VIOLATING

LABOR STATUTES AND RECEIVED A SIGNIFICANT PRISON SENTENCE. SUBSEQUENTLY, SEVERAL OF HIS CO-CONSPIRATORS WERE ALSO FOUND GUILTY OF CRIMINAL OFFENSES AND SENTENCED TO PRISON. IN ANOTHER CASE, AGAIN FOLLOWING A JOINT DOL-DOJ/INS INVESTIGATION, 3 MEN WERE CONVICTED ON CHARGES OF CONSPIRACY, SMUGGLING AND HARBORING UNDOCUMENTED WORKERS, AND VIOLATING LABOR LAW PROTECTIONS.

--IN 1998, 18 DEFENDANTS PLED GUILTY TO SLAVERY CONSPIRACY CHARGES BASED ON A SCHEME IN WHICH THEY HELD DOZENS OF HEARING IMPAIRED MEXICAN NATIONALS IN SLAVERY, FORCING THEM TO PEDDLE TRINKETS ON THE STREETS OF NEW YORK, LOS ANGELES, AND CHICAGO. THE RINGLEADER OF THIS CONSPIRACY WAS SENTENCED TO SERVE 14 YEARS INCARCERATION AND, ALONG WITH HER CO-DEFENDANTS, WAS ORDERED TO PAY OVER \$2.5 MILLION IN RESTITUTION.

END TEXT.
ALBRIGHT

TOR: 12/20/99 18:02:10

DIST: SIT: BABBITT BLINKEN BUSBY NSC DAVIDSON FELDMAN GUARNIERI KASS MCLEAN
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LINE4: FM SECSTATE WASHDC
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ORIG: SECSTATE WASHDC
TO: RUEHGV/USMISSION GENEVA IMMEDIATE 0000
INFO: RUCNDT/USMISSION USUN NEW YORK PRIORITY 0000
ALL US CONSULATES IN MEXICO COLLECTIVE
SUBJ: USG RESPONSE TO CHR RESOLUTION ON VIOLENCE
AGAINST WOMEN MIGRANT WORKERS
TEXT: UNCLAS STATE 239091

E.O. 12958: N/A
TAGS: UNHRC, PHUM, SMIG, KWMN
SUBJECT: USG RESPONSE TO CHR RESOLUTION ON VIOLENCE
AGAINST WOMEN MIGRANT WORKERS

REF: GENEVA 7333

1. FOLLOWING IS THE RESPONSE OF THE USG IN RESPONSE TO A PROVISION OF THE UN HUMAN RIGHTS COMMISSION RESOLUTION 1998/17 ENTITLED "VIOLENCE AGAINST WOMEN MIGRANT WORKERS." THE RESOLUTION SOLICITS INFORMATION AND VIEWS OF GOVERNMENTS, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS ON FURTHER RESEARCH ON THE CAUSES AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS, PENAL SANCTIONS TO PUNISH PERPETRATORS OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS AND THE PROVISION TO VICTIMS OF VIOLENCE OF THE FULL RANGE OF IMMEDIATE ASSISTANCE, SUCH AS COUNSELLING, LEGAL AND CONSULAR ASSISTANCE, AND TEMPORARY SHELTER TO ALLOW THEM TO BE PRESENT DURING THE JUDICIAL PROCESS. THE RESOLUTION ALSO REQUESTS GOVERNMENTS CONSIDER ADOPTING APPROPRIATE LEGAL MEASURES AGAINST INTERMEDIARIES WHO DELIBERATELY ENCOURAGE THE CLANDESTINE MOVEMENT OF WORKERS AND WHO EXPLOIT WOMEN MIGRANT WORKERS.

2. THE USG OFFERS THE FOLLOWING INPUT TO THE SECRETARY-GENERAL FOR CONSIDERATION IN PREPARING HIS COMPREHENSIVE FOLLOW-UP REPORT ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS TO THE 56TH SESSION OF THE UN HUMAN RIGHTS COMMISSION. THE COMMUNICATION WAS RECEIVED UNDER COVER OF UN SECRETARIAT DIPLOMATIC NOTE GVA 4929. MISSION IS REQUESTED TO TRANSMIT THIS RESPONSE TO THE OFFICE OF HIGH COMMISSIONER FOR HUMAN RIGHTS UNDER THE COVER OF A DIPLOMATIC NOTE. DEPARTMENT ALSO NOTES THAT IT IS PREPARING A RESPONSE SEPTEL ON A RELATED REQUEST CONCERNING CHR RESOLUTION 1999/44 ON "PROMOTION AND PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS"

WHICH WILL ADDRESS IN GREATER DETAIL A WIDE VARIETY OF ISSUES RELATED TO MIGRANTS, BOTH MALE AND FEMALE, LEGAL AND ILLEGAL, TEMPORARY AND PERMANENT.

3. BEGIN TEXT:

COMMENTS OF THE GOVERNMENT OF THE UNITED STATES ON THE UN HUMAN RIGHTS COMMISSION RESOLUTION 1998/17 ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS

THE GOVERNMENT OF THE UNITED STATES OFFERS THE FOLLOWING INPUT TO THE SECRETARY-GENERAL FOR CONSIDERATION IN PREPARING HIS COMPREHENSIVE FOLLOW-UP REPORT ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS TO THE 56TH SESSION OF THE UN HUMAN RIGHTS COMMISSION. CHR RESOLUTION 1998/17 SOLICITS INFORMATION FROM GOVERNMENTS CONCERNING FURTHER RESEARCH ON WOMEN MIGRANT WORKERS; LEGAL MEASURES AND PENALTIES AGAINST TRAFFICKING IN AND ACTS OF VIOLENCE COMMITTED AGAINST WOMEN MIGRANT WORKERS; AND ASSISTANCE PROGRAMS FOR VICTIMS OF VIOLENCE. THE UNITED STATES ALSO PROVIDES SOME GENERAL INFORMATION ON U.S. LABOR PROTECTIONS AND LAWS THAT SPECIFICALLY RELATE TO WOMEN MIGRANT WORKERS. UNLESS SPECIFICALLY NOTED, THE PROGRAMS DESCRIBED BELOW ARE LIMITED TO LAWFUL MIGRANT WORKERS. THE ISSUE OF ILLEGAL MIGRANT WORKERS, EITHER MALE OR FEMALE, WILL BE DISCUSSED IN GREATER DETAIL IN THE U.S. RESPONSE CONCERNING CHR RESOLUTION 1999/44 ON "PROMOTION AND PROTECTION OF THE HUMAN RIGHTS OF MIGRANTS." THIS RESPONSE WILL ADDRESS IN GREATER DETAIL A WIDE VARIETY OF ISSUES RELATED TO MIGRANTS, BOTH MALE AND FEMALE, LEGAL AND ILLEGAL, TEMPORARY AND PERMANENT.

I. U.S. LABOR PROTECTIONS

ALL U.S. LABOR LAWS AND OTHER LEGISLATION AIMING TO PROTECT WORKERS APPLY TO BOTH MALES AND FEMALES, WHETHER THEY ARE MIGRANT WORKERS OR NOT. THE U.S. DEPARTMENT OF LABOR'S (DOL) WOMEN'S BUREAU WAS CREATED IN 1920 WITH THE MANDATE TO "FORMULATE STANDARDS AND POLICIES WHICH SHALL PROMOTE THE WELFARE OF WAGE-EARNING WOMEN, IMPROVE THEIR WORKING CONDITIONS, INCREASE THEIR EFFICIENCY, AND ADVANCE THEIR OPPORTUNITIES FOR PROFITABLE EMPLOYMENT." THE DIRECTOR OF THE WOMEN'S BUREAU IS THE PRINCIPAL ADVISOR TO THE SECRETARY OF LABOR ON ISSUES AFFECTING WOMEN WORKERS. IN ADDITION, THE UNITED STATES HAS SOME SPECIFIC PROGRAMS WHICH TARGET FEMALE MIGRANT WORKERS.

ABOUT 57 PERCENT OF MINIMUM WAGE WORKERS IN THE UNITED STATES ARE ADULT WOMEN, OF WHICH AN UNKNOWN NUMBER ARE WOMEN MIGRANT WORKERS. THE FAIR LABOR STANDARDS ACT (FLSA) OFFERS PROTECTION TO ALL MINIMUM WAGE WORKERS, MALE OR FEMALE, MIGRANT OR NOT. MANY WOMEN WORKERS ARE EMPLOYED IN DOMESTIC OR FOOD SERVICE, HEALTH CARE, JANITORIAL SERVICES, OR GARMENT MANUFACTURE. THE DOL'S "NO SWEAT CAMPAIGN" IS AIMED AT INCREASING COMPLIANCE WITH LABOR STANDARDS IN THE GARMENT INDUSTRY, WHICH EMPLOYS MANY WOMEN MIGRANT WORKERS. DOL ALSO WORKS WITH THE FAIR LABOR ASSOCIATION, AN APPAREL INDUSTRY ORGANIZATION, TO MONITOR WORKPLACE CONDITIONS.

IN 1998, THE PRESIDENT ESTABLISHED THE NATIONAL WORKER EXPLOITATION TASK FORCE (WETF), WHICH COMPRISES REPRESENTATIVES FROM THE U.S. ATTORNEY GENERAL'S OFFICE, THE FEDERAL BUREAU OF INVESTIGATION, THE IMMIGRATION AND NATURALIZATION SERVICE, THE DEPARTMENT OF JUSTICE'S CIVIL RIGHTS DIVISION, VIOLENCE AGAINST WOMEN OFFICE, OFFICE OF VICTIMS OF CRIME, OFFICE OF POLICY DEVELOPMENT, THE DEPARTMENT OF CRIME AND THE DEPARTMENT OF LABOR. WETF'S MISSION IS THE INVESTIGATION, PROSECUTION AND PREVENTION OF THE EXPLOITATION OF WORKERS THROUGHOUT THE UNITED STATES AND ITS TERRITORIES.

THE DOL'S OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP) FOCUSES SIGNIFICANT ENFORCEMENT EFFORTS ON SEX DISCRIMINATION. FEDERAL CONTRACTORS EMPLOY APPROXIMATELY 22 PERCENT OF THE U.S. LABOR FORCE. OFCCP CONDUCTS APPROXIMATELY 40,000 COMPLIANCE EVALUATIONS EACH YEAR TO INVESTIGATE CONTRACTORS' SYSTEMIC EMPLOYMENT PRACTICES AND WORKS TO PREVENT SEX DISCRIMINATION AND REQUIRE EMPLOYERS TO EXAMINE THE DISCRIMINATORY VIEWS THAT OFTEN IMPEDE WOMEN'S PROGRESS.

EACH YEAR MORE THAN 225,000 WOMEN MISS WORK BECAUSE OF MUSCULO-SKELETAL INJURIES RELATED TO THEIR JOBS. WOMEN COMPRISE 70 PERCENT OF THOSE SUFFERING FROM REPETITIVE MOTION INJURIES, BECAUSE OF THE PREDOMINANCE OF WOMEN IN CERTAIN JOBS WHICH MAY LEAD TO SUCH INJURIES. DOL'S OFFICE OF OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RECENTLY PUBLISHED NEW REGULATIONS DESIGNED TO PREVENT WORK-RELATED MUSCULO-SKELETAL DISORDERS. OSHA HAS ALSO TARGETED THE HEALTH CARE SECTOR, WHERE WOMEN WORKERS PREDOMINATE. OSHA IS WORKING TO PREVENT THE TRANSMISSION OF COMMUNICABLE DISEASES, SUCH AS TUBERCULOSIS AND HIV-AIDS; INJURIES FROM NEEDLES AND OTHER SHARP INSTRUMENTS; AND MUSCLE INJURIES FROM LIFTING PATIENTS.

HOMICIDE IS THE LEADING CAUSE OF WORK-RELATED DEATHS FOR WOMEN. OSHA ISSUED GUIDELINES FOR PREVENTING WORKPLACE VIOLENCE FOR HEALTHCARE AND SOCIAL SERVICE WORKERS IN 1996, AND RECOMMENDATIONS FOR WORKPLACE VIOLENCE PREVENTION PROGRAMS IN LATE NIGHT RETAIL ESTABLISHMENTS IN 1998. OSHA CONTINUES TO CONDUCT OUTREACH AND EDUCATION EFFORTS TO ASSIST EMPLOYERS IN PROTECTING THEIR BUSINESSES FROM VIOLENCE.

II. LABOR PROTECTIONS SPECIFICALLY RELEVANT TO FEMALE MIGRANT WORKERS

THE MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT (MSPA) APPLIES TO BOTH MALE AND FEMALE MIGRANT AGRICULTURAL WORKERS. THE MSPA SETS STANDARDS ON WAGES, HOUSING AND TRANSPORTATION. THE ACT REQUIRES THAT CONTRACTORS OF MIGRANT FARMWORKERS REGISTER WITH THE DOL AND NOTIFY PROSPECTIVE WORKERS OF WAGES AND WORKING CONDITIONS BEFORE THEY ARE HIRED. THE MSPA ALSO REQUIRES THAT WORKERS ARE PROVIDED HOUSING AND ARE TRANSPORTED IN VEHICLES THAT MEET CERTAIN MINIMUM STANDARDS OF SAFETY. THE U.S. DEPARTMENT OF AGRICULTURE HAS BEEN WORKING UNDER THE MSPA AND THE FSLA ON COMPLIANCE WITH VEGETABLE PRODUCE GROWERS AND PROCESSORS.

AS PART OF A CONGRESSIONALLY-ESTABLISHED INITIATIVE ON LABOR, IMMIGRATION AND LAW ENFORCEMENT, THE U.S. DEPARTMENT OF INTERIOR HAS PROVIDED SINCE IN 1995 SUBSTANTIAL FUNDING TO THE DOL'S WAGE AND HOUR OFFICE, OSHA AND THE SOLICITOR'S OFFICE TO PURSUE ALLEGATIONS OF ABUSIVE WORKING CONDITIONS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI). CNMI IS A SELF-GOVERNING COMMONWEALTH OF THE UNITED STATES LOCATED IN THE WESTERN PACIFIC OCEAN. VIRTUALLY THE ENTIRE WORKFORCE CONSISTS OF TEMPORARY FOREIGN WORKERS, WHO WORK PRIMARILY IN THE GARMENT, TOURIST AND CONSTRUCTION INDUSTRIES. THESE WORKERS OFTEN LIVE IN NEAR-PEONAGE CONDITIONS AND A LARGE MAJORITY ARE WOMEN. DOL HAS FILED LAWSUITS AGAINST A NUMBER OF EMPLOYERS ALLEGED TO HAVE UNDERPAID THEIR WORKERS OR MAINTAINED UNSAFE OR UNHEALTHY WORKPLACES.

III. FURTHER RESEARCH ON VIOLENCE AGAINST WOMEN MIGRANT WORKERS

OPERATIVE PARAGRAPH 2 OF CHR RESOLUTION 1998/17 INVITES GOVERNMENTS TO UNDERTAKE FURTHER RESEARCH ON THE CAUSES AND CONSEQUENCES OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS, INCLUDING CAUSES OF THE OUTFLOW OF WOMEN MIGRANT WORKERS, AND TO DEVELOP APPROPRIATE NATIONAL DATA-COLLECTION METHODOLOGIES THAT WILL GENERATE COMPARABLE DATA AS BASES FOR RESEARCH AND ANALYSES ON THE SUBJECT.

THE NATIONAL INSTITUTE OF JUSTICE, WHICH IS THE RESEARCH AND DEVELOPMENT INSTITUTE ATTACHED TO THE U.S. DEPARTMENT OF JUSTICE, RECENTLY HAS AWARDED A TWO-YEAR RESEARCH GRANT TO BEGIN JANUARY 1, 2000 TO STUDY THE NEEDS OF MIGRANT AND SEASONAL FARM WORKER WOMEN WITH REGARD TO DOMESTIC VIOLENCE. THE STUDY WILL DOCUMENT THE FACTORS PRECIPITATING MIGRANT AND SEASONAL FARM WORKER WOMEN'S USE OF THE CRIMINAL JUSTICE SYSTEM GENERALLY, DESCRIBE THEIR EXPERIENCES USING THE CRIMINAL JUSTICE SYSTEM IN DOMESTIC VIOLENCE CASES, AND IDENTIFY RESOURCES FOR BATTERED MIGRANT WOMEN. THE STUDY WILL ALSO COMPARE A "GRASSROOTS" COMMUNITY-BASED TO AN AGENCY-BASED MODEL OF DOMESTIC VIOLENCE OUTREACH AND EDUCATIONAL ACTIVITIES.

IV. LEGAL MEASURES AND PENALTIES ON TRAFFICKING AND EXPLOITATION OF WOMEN

OPERATIVE PARAGRAPHS 5 AND 6 OF CHR RESOLUTION 1998/17 INVITE THE STATES CONCERNED, SPECIFICALLY THE SENDING AND RECEIVING STATES, TO CONSIDER ADOPTING APPROPRIATE LEGAL MEASURES AGAINST INTERMEDIARIES WHO DELIBERATELY ENCOURAGE THE CLANDESTINE MOVEMENT OF WORKERS AND WHO EXPLOIT WOMEN MIGRANT WORKERS, AND TO PUT IN PLACE PENAL SANCTIONS TO PUNISH PERPETRATORS OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS.

U.S. LAW AFFORDS MANY PROTECTIONS TO WOMEN MIGRANT WORKERS. THERE ARE U.S. STATUTES ALLOWING THE PROSECUTION OF INDIVIDUALS WHO RECRUIT PERSONS TO ENTER THE UNITED STATES ILLEGALLY; WHO SMUGGLE PERSONS INTO THE U.S.; WHO TRANSPORT OR MOVE ALIENS WITHIN THE U.S.; WHO HARBOR PERSONS ILLEGALLY

IN THE U.S.; AND WHO MAKE FALSE OR FRAUDULENT STATEMENTS ON IMMIGRATION DOCUMENTS IN ORDER TO ENTER THE UNITED STATES.

THE NATIONAL WORKER EXPLOITATION TASK FORCE (WETF) IS WORKING TO ENFORCE MORE VIGOROUSLY EXISTING FEDERAL CRIMINAL CIVIL RIGHTS LAWS WHICH MAKE IT ILLEGAL TO HOLD A PERSON IN INVOLUNTARY SERVITUDE OR PEONAGE. THESE STATUTES ARE OFTEN USED TO PROSECUTE FARM LABOR CONTRACTORS, AND OTHER BUSINESSES AND EMPLOYERS, WHO RECRUIT MIGRANT LABOR WITH PROMISES OF FOOD, SHELTER, AND GOOD WAGES. IN MANY CASES, THESE WORKERS, INCLUDING WOMEN AND CHILDREN, ARE FORCED TO WORK EITHER WITHOUT PAY OR FOR REDUCED WAGES TO PAY OFF ALLEGED DEBTS OWED THEIR EMPLOYERS. WETF'S TOLL-FREE COMPLAINT TELEPHONE HOTLINE HANDLES CALLS CONCERNING THE RECRUITMENT AND TRANSPORTATION OF FOREIGN WORKERS INTO THE U.S. FOR FORCED LABOR UNDER ABOMINABLE CONDITIONS, AS WELL AS THE ILLEGAL EXPLOITATION OF MIGRANT FARM WORKERS, SWEATSHOP FACTORY LABORERS AND OTHERS. THE WETF AND THE UNITED STATES ATTORNEYS OFFICES (USAO) ARE ALSO AGGRESSIVELY INVESTIGATING AND PROSECUTING CASES OF WOMEN TRAFFICKED INTO THE UNITED STATES AND FORCED TO WORK IN THE SEX TRADE OR AS DOMESTIC SERVANTS.

ADDITIONAL WORK AND COORDINATION IS NEEDED TO ENSURE THAT INFORMATION ABOUT ORGANIZATIONS THAT TRAFFICK IN WOMEN OR EXPLOIT WORKERS IS PROPERLY SHARED WITHIN THE INTERNATIONAL COMMUNITY. THERE APPEARS TO BE A GAP IN INFORMATION AND COORDINATION ON SOURCE AND TRANSIT COUNTRIES, TRAFFICKING ROUTES, AND KNOWN/IDENTIFIED INTERNATIONAL SMUGGLERS OR TRAFFICKERS.

THE ADMINISTRATION IS WORKING WITH THE U.S. CONGRESS ON AMENDMENTS TO EXISTING STATUTES THAT WOULD SUBJECT TO CRIMINAL PROSECUTION AN EMPLOYER WHO CONFISCATES THE TRAVEL AND IMMIGRATION DOCUMENTS OF WORKERS, AS A MEANS OF FORCING THEM TO STAY IN HIS EMPLOY. IT IS ALSO PROPOSED THAT THE STATUTORY PENALTIES BE INCREASED FOR WORKER ABUSE AND EXPLOITATION OFFENSES, AND THAT A NEW VISA BE MADE AVAILABLE FOR VICTIMS, THEIR FAMILIES, AND WITNESSES IN THESE CASES.

V. VICTIM ASSISTANCE

OPERATIVE PARAGRAPH 5 OF CHR RESOLUTION 1998/17 CALLS UPON CONCERNED GOVERNMENTS, PARTICULARLY OF SENDING AND RECEIVING COUNTRIES, IF THEY HAVE NOT DONE SO, TO THE EXTENT POSSIBLE, TO PROVIDE VICTIMS OF VIOLENCE WITH THE FULL RANGE OF IMMEDIATE ASSISTANCE, SUCH AS COUNSELLING, LEGAL AND CONSULAR ASSISTANCE, TEMPORARY SHELTERS AND OTHER MEASURES THAT WILL ALLOW THEM TO BE PRESENT DURING THE JUDICIAL PROCESS, AS WELL AS ESTABLISHING REINTEGRATION AND REHABILITATION PROGRAMS FOR RETURNING WOMEN.

THE U.S. GOVERNMENT HAS A NUMBER OF FEDERAL PROGRAMS TO PROVIDE ASSISTANCE TO WOMEN VICTIMS, WHETHER THEY ARE MIGRANT WORKERS OR NOT. WETF AND USAO ARE WORKING TO CREATE A NATIONAL NETWORK OF SERVICE PROVIDERS WILLING TO ASSIST IN PROVIDING FOOD, SHELTER, MEDICAL ASSISTANCE, AND COUNSELLING SERVICES TO WOMEN AND OTHER VICTIMS OF ABUSE AND EXPLOITATION

WHOSE CASES ARE BEING INVESTIGATED AND PROSECUTED FEDERALLY. OVER 1,000 NATIONAL SERVICE PROVIDERS HAVE BEEN IDENTIFIED. THE WETF COMPLAINT LINE ALSO INCLUDES A REFERRAL SERVICE FOR EXPLOITED WORKERS IN NEED OF MEDICAL AND OTHER BASIC SERVICES. TRANSLATION SERVICES ARE AVAILABLE FOR NON-ENGLISH SPEAKERS. A FEDERALLY-FUNDED PILOT PROJECT WAS RECENTLY ESTABLISHED IN LOS ANGELES TO ADDRESS SPECIFICALLY THE UNIQUE COUNSELLING AND OTHER NEEDS OF TRAFFICKED WOMEN.

IN 1999, AS PART OF THE NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA), THE UNITED STATES AND MEXICO CONDUCTED LEGAL LITERACY TRAINING ALONG THE U.S./MEXICO BORDER. THESE SESSIONS EDUCATED WORKERS, EMPLOYERS, GOVERNMENT REPRESENTATIVES AND NON-GOVERNMENTAL ORGANIZATIONS ABOUT THE RIGHTS AND PROTECTIONS AFFORDED LEGAL WOMEN WORKERS IN THE U.S. AND MEXICO. ONE OF THE TOPICS WAS PREGNANCY DISCRIMINATION.

THROUGH THE VICTIM'S RIGHTS AND RESTITUTION ACT OF 1990, ALL VICTIMS ARE TO BE TREATED WITH RESPECT AND DUE REGARD FOR THEIR DIGNITY AND PRIVACY. VICTIMS ARE TO BE PROTECTED FROM THE ACCUSED. VICTIMS HAVE THE RIGHT TO BE NOTIFIED OF COURT PROCEEDINGS AND BE PRESENT AT ALL PUBLIC COURT PROCEEDINGS UNLESS PROHIBITED BY THE JUDGE. VICTIMS ARE TO RECEIVE RESTITUTION AND ARE ALLOWED TO PARTICIPATE IN THE PROCESS AND BE PROVIDED INFORMATION ABOUT THE DISPOSITION OF THE CASE AGAINST THE ACCUSED. THE WETF EMPLOYS VICTIM-WITNESS TECHNICIANS TO COORDINATE FEDERAL VICTIM SERVICES, TO WORK WITH THE VICTIM-WITNESS SPECIALISTS IN EACH U.S. ATTORNEY OFFICE ACROSS THE COUNTRY IN CASES INVOLVING WORKER EXPLOITATION AND INVOLUNTARY SERVITUDE, AND TO ENSURE THAT THE REQUIREMENTS OF THE VICTIM'S RIGHTS AND RESTITUTION ACT OF 1990 AND THE U.S. ATTORNEY GENERAL'S GUIDELINES ON VICTIM-WITNESS RIGHTS ARE BEING IMPLEMENTED.

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