

# TRAFFICKING IN PERSONS: A GLOBAL REVIEW

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
INTERNATIONAL TERRORISM, NONPROLIFERATION  
AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS  
SECOND SESSION

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## **TRAFFICKING IN PERSONS: A GLOBAL REVIEW**

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**THURSDAY, JUNE 24, 2004**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL TERRORISM,  
NONPROLIFERATION AND HUMAN RIGHTS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to call, at 9:10 a.m. in Room 2200, Rayburn House Office Building, Hon. Elton Gallegly [Chairman of the Subcommittee] presiding.

Mr. GALLEGLY. The Subcommittee on International Terrorism, Nonproliferation of Human Rights will now come to order.

Today this Subcommittee is holding an oversight hearing on the fourth annual trafficking in persons report. The report was Congressionally mandated by the Victims of Trafficking and Violence Protection Act of 2000 (TVPA).

Since the enactment of the TVPA, much needed focus has been placed on the worldwide problem of trafficking of human beings.

This year notes that between 600,000 and 800,000 people are trafficked across international borders. If internal trafficking were included, that number would rise between two and four million people.

These figures are staggering. The equivalent of the population of a major U.S. city, all enslaved, many of which are children.

We learned a great deal during the first 3 years of TVPA. In fact, based on what we learned from previous reports, Congress last year enhanced the tools available to the U.S. Government to assist the prevention of trafficking, the protection of victims, and the prosecution of traffickers.

I look forward to hearing how the Office to Monitor and Combat Trafficking in Persons has implemented the provisions of Trafficking and Victims Protection Reauthorization Act of 2003 and the impact of this legislation in combatting human trafficking.

I must commend my good friend and he is my good friend and former colleague, Director John Miller for his leadership and for producing an excellent report.

While there will be debate about country placement in the tier system, this year's report is both expanded and enhanced.

I was especially pleased to read the new coverage on statistics of arrests, convictions, and sentencing of traffickers. Undoubtedly, all countries can improve in efforts to prosecute and imprison these criminals.

Before turning to the Ranking Member of the Subcommittee, I would like to highlight one issue that caught my attention in this year's report.

Although trafficking in persons is a worldwide phenomenon and we should endeavor to eliminate it everywhere, I was particularly concerned and, I might add, very distressed to see that in our own backyard, here in the Western Hemisphere, it appears that trafficking is a growing problem.

In fact, four of the 10 tier 3 countries are located in South America or the Caribbean. This includes Ecuador, Guyana and Venezuela, which were added this year, and Cuba, which was on tier 3 last year.

I would like our witnesses to specifically address the reasons three of our southern neighbors have been added to the lowest tier by the State Department and what the U.S. is doing to assist these countries in eradicating this trafficking problem.

Unfortunately, we have a very abbreviated schedule this morning, due to the fact that the Full Committee has a 10:30 mark-up and we are asked to vacate this room by 10:25.

I ask that all opening statements by witnesses be limited to 5 minutes and I would ask that my colleagues, other than the Ranking Member, would, if they have an opening statement, submit it for the record.

I will now turn to our Ranking Member, but I understand he is going to be a little late. So with the concurrence of the Subcommittee, I would defer to Mr. Miller. We welcome you and are very glad to have you here this morning. Mr. Miller.

[The statement of Mr. Gallegly follows:]

PREPARED STATEMENT OF THE HONORABLE ELTON GALLEGLY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRMAN, SUBCOMMITTEE ON INTERNATIONAL TERRORISM, NONPROLIFERATION AND HUMAN RIGHTS

The Subcommittee on International Terrorism, Nonproliferation and Human Rights will now come to order. Today, the Subcommittee is holding an oversight hearing on the fourth annual *Trafficking in Persons Report*. This report was Congressionally mandated by the Victims of Trafficking and Violence Protection Act of 2000 (TVPA).

Since the enactment of the TVPA, much-needed focus has been placed on the worldwide problem of trafficking of human beings. This year's report notes that between 600,000 and 800,000 people are trafficked across international borders. If internal trafficking were included, that number would rise to between 2 and 4 million people. These figures are staggering—the equivalent of the population of a major U.S. city, all enslaved, many of which are children.

We learned a great deal during the first three years of the TVPA. In fact, based on what we learned from previous reports, Congress last year enhanced the tools available to the U.S. government to assist in the prevention of trafficking, the protection of victims and the prosecution of traffickers.

I look forward to hearing how the Office to Monitor and Combat Trafficking in Persons has implemented the provisions of the Trafficking Victims Protection Reauthorization Act of 2003 and the impact of this legislation in combating human trafficking.

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erywhere, I was particularly concerned—and distressed—to see that in our own backyard, in the Western Hemisphere, it appears that trafficking is a growing problem. In fact, four of the ten Tier 3 countries are located in South America or the Caribbean. This includes Ecuador, Guyana and Venezuela, which were added this year, and Cuba which was on Tier 3 last year. I would like our witnesses to specifically address the reasons three of our southern neighbors have been added to the lowest tier by the State Department and what the U.S. is doing to assist these countries to eradicate trafficking.

Unfortunately, we are on an abbreviated schedule this morning due to a full committee mark-up at 10:30. So I ask that all opening statements from witnesses be limited to five minutes. If we are not able to complete questioning of the witnesses, members will have five days to submit questions for the record.

Finally, I would like to thank Chris Smith and Joe Pitts for their year-round dedication and efforts on this issue.

I turn now to Mr. Sherman for his opening statement, and ask because of the abbreviated time we have, that other members submit their statements for the record.

**STATEMENT OF THE HONORABLE JOHN R. MILLER, DIRECTOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE**

Mr. MILLER. Thank you, Mr. Chairman, distinguished Members of this Committee. I appreciate your interest and involvement in one of the premier human rights issues of the 21st Century.

This week ago, Secretary of State Powell released the fourth annual Trafficking in Persons Report. It is a tool that you and your colleagues gave us to engage other countries in this struggle to abolish slavery around the world.

You gave us the tool and it is appropriate that following me we have three distinguished NGO representatives, who were involved in helping to create the tool and have been on the front lines of this issue for many years.

This report, as you have pointed out, has much more additional information. We estimate that, as you said, Mr. Chairman, six to 800,000 men, women and children are trafficked across international borders every year.

Some NGO's put the figure much higher. But as you pointed out, that is just across international borders. But there is some other interesting information that has come out.

We estimate that of these victims, 80 percent are female and 50 percent are children. Not surprisingly with these figures, one can draw the conclusion that sex slavery or sex trafficking is now the biggest category of modern day slavery and probably domestic servitude slavery, which takes place in an individual basis around the world has grown and may be the second largest category.

Among the features in this year's report, we have again victim stories, because we think it is so important to personalize this so people know that there are faces behind the statistics.

A couple of the stories are people that I visited with just a couple of months ago. A teenager, Tina, in Malaysia. She had come from a rural Indonesian village, gone to a migrant labor center, learned how to use kitchen appliances, run up a debt there for a couple of months, shipped off to a family in Malaysia.

A police officer. The wife was a banker. Thought she was going to do domestic work. Spent 6 days a week working in the family laundry, sleeping on the cold floor. The 7th day working in the home.

The first 4 months got no wages. She was told, well we are paying off the debt at the migrant labor center and then no wages after that. We want to make sure you fulfill your 2-year contract. She was beaten, too.

She finally escaped, found shelter. An example of this domestic servitude slavery. Economic migration from less developed countries like Indonesia to wealthier countries like Singapore and Malaysia.

Nothing wrong with that. That can be very positive, including for domestic service, but subject to tremendous abuse.

Then there is one other story. When I was in Cambodia, I met a woman named Bopha. She had been rural village. A man had come. Wooed her. Married her. Within a day or two, taking her to a larger village. Sold her to a brothel.

She said, he disappeared. She said, what am I doing here? Well you are going to stay here. We paid X thousand dollars for you. You must pay off the debt. She was scared. She was threatened. She worked for years.

Finally, she got a sexually transmitted disease, HIV/AIDS. They threw her out on the street. No use. Disposable.

She wanders to Phnom Penh. She found this wonderful small faith based shelter. She is probably going to die in a year or 2.

I looked at her. She looked like she was 60 or 70 years old and at the end of our interview I asked her, how old are you and she said 24.

That just really brings it home, but along with victims' stories in this year's report, we have a new section on heroes. We have selected six heroes on the war against trafficking. There are thousands of heroes. These are six representative heroes to encourage countries, to encourage people to do more.

As you have noted, Mr. Chairman, a lot more in the way of law enforcement statistics, which you mandated, in the Reauthorization Bill, sponsored by Congressman Smith, which mandated more law enforcement statistics. We are not perfect, but we got a lot more.

We have in this report a new tier system. In some ways it is the same. Tier 1 meets minimum standards. They still have problems, but they meet minimum standards. Tier 2, where there is significant efforts. Tier 3, no significant efforts, where 4 months from now if they don't shape up, there is a possibility of losing some aid.

But in addition, you added in the Reauthorization Bill this special watch list category. Part of it relates to countries that have moved up in tiers, but the most important part of it you will see is in the tier 2 watch list category, where we are able to give a signal to those countries at the bottom of tier 2 that you better be doing something this coming year, if you don't want to fall into tier 3.

We are already at work with tier 3, tier 2 watch list countries, working on plans through our Embassies, agreeing with governments on what can be done. There are some significant countries in tier 2 watch list. Russia. India. Japan. We are taking this very, very seriously.

Reaction to the report, just a brief description of the reaction. This year maybe because governments are learning more about the report or maybe because we have more outreach efforts or maybe

it is the growing influence of NGO's, the reaction has not just been negative.

There has been a lot of positive reaction, even from governments. From Cyprus to Pakistan to Japan saying, we are going to do more.

There are some countries that haven't been happy. Government of Cuba where it was the usual 2-hour speech. New Zealand, Singapore unhappy. If everybody was happy, maybe something would be amiss. In general, I think there is more knowledge and understanding about the report.

We all know how huge the problem is, but there are signs of hope. For example, we know that 24 new countries this year enacted comprehensive anti-trafficking in persons legislation since the last report. That is great.

We know in part because of the impetus, the push you gave on statistics, that there were almost 8,000 prosecutions of traffickers around the world this past year and almost 3,000 convictions. We know that is a significant increase.

We know that more shelters have been put up. This coming year, here is where we have to do more I think in our office in the Department.

We have to do more on the research end to get a better handle not only in terms of more prosecutions and more shelters and all of that, but try to get a better handle on the number of people in slavery, to give better answers as to whether it is going up or down.

There is another focus we are going to have that the President wants and that is to focus more on the demand side of this equation, on destination countries. We got started here with Japan, but we need to focus more on this issue.

After all, the slaves, the victims may come from poorer countries. Where do they end up? Where are they in slavery? There is a new section here in child tourism. The child tourism may take place in Asia and Central America and African countries, but where do the tourists come from?

They come from the Netherlands, the United Kingdom, Germany, the United States, Japan. So we are focusing more on that issue. There is a section on child sex tourism in the report and you really helped in April with the Child Protect Act, which is already leading to extradition of some of these tourists.

Mr. GALLEGLY. John, I hate to do this—

Mr. MILLER. Okay. That is it. I am at the end. Let us get the questions.

[The statement of Mr. Miller follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN R. MILLER, DIRECTOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE

On June 14, Secretary of State Powell released the fourth annual *Trafficking in Persons Report*. It is my privilege to be here with you on his behalf to discuss this invaluable tool created by Congress to fight the modern-day slave trade.

As Secretary Powell eloquently explained last week, trafficking in persons is synonymous with slavery. It is a crime that relies on coercion and exploitation. It thrives on fear and is maintained through violence. And it is highly profitable to the criminals.

However, under your leadership and the leadership of President Bush, the U.S. Government is taking strong action, in cooperation with other nations, to end human trafficking. That's the ultimate purpose of the *Trafficking in Persons Report*,

and, with that in mind, we strive to make the report a more effective tool each and every year.

#### STATISTICS

In the 2004 report, you will find new analysis of statistics to bring more perspective to this horrible crime. Our government estimates that 600,000 to 800,000 people become victims of international human trafficking each year. This number does not include potentially millions more who are trafficked within their own countries.

Of the estimated 600,000 to 800,000 cross-border victims, we report this year that 80 percent are female and 50 percent are children. That's hundreds of thousands of women and hundreds of thousands of children bought and sold each year around the world. Criminals are preying on some of the world's most vulnerable, yet hopeful and productive, citizens.

#### NEW REPORT FEATURES

You also will find several new features in the 2004 *Trafficking in Persons Report*. To bring the issue to life, we focused on telling the stories of victims from around the world. To encourage greater action by all, we shared best practices and recognized individual heroes in the struggle against human trafficking. To encourage a more comprehensive view of this crime, we presented more information about the "demand" side of modern-day slavery and how destination countries have a responsibility just as source countries do.

A special section on child sex tourism brings special attention to this heinous type of human trafficking as highlighted by President Bush's speech to the U.N. General Assembly last fall. Child sex tourism is a form of sexual exploitation in which people travel to foreign countries to engage in commercial sex acts with children. By U.S. law, and by international agreement, all children under 18 who are exploited for commercial sex are considered trafficking victims.

#### TVPRA

Then there is the congressionally mandated portion of this report: the tier ratings of governments based on their actions to fight modern-day slavery. This year's report covers 131 countries found to be source, destination, or transit countries for a significant number of victims, which we have loosely defined as 100 or more.

The Trafficking Victims Protection Reauthorization Act, which was signed into law in December 2003, made a real difference in the way countries were rated this year. In addition to strengthening the minimum standards for rating countries, allowing us to require better data and ongoing progress, the TVPRA created a Special Watch List. The Special Watch List includes countries that have moved up one tier from the previous report as well as Tier 2 countries that (1) have a very significant number of trafficking victims, (2) have not made increasing efforts over the past year, or (3) that have been spared Tier 3 status based on commitments of near-term reforms. These latter criteria describe what one might call "weak Tier 2" countries.

All countries on this Special Watch List will be included in a document from Secretary Powell delivered to Congress in September when the President makes his determinations about sanctions. All of these countries also will be included in the interim assessment required by law by February 2005, and we have communicated this clearly to each Special Watch List country.

You will notice, however, that we have elevated the importance of one of the categories in the Special Watch List and incorporated it into the Report. We felt it was important and helpful to create what almost amounts to a fourth tier—one we called Tier 2 Watch List—that differentiates between weak Tier 2 countries and stronger Tier 2 countries. We did this to maximize the power of the Special Watch List in stimulating government action for those countries at greatest risk of slipping down the tiers.

This approach has spurred action already. We can now clearly differentiate between strong and weak Tier 2 countries, and we have the ability to give governments an opportunity to follow through on near-term promises and late-breaking actions without sanctioning them. We are able to give a stern warning to those Tier 2 countries that fell backward while still taking some significant action. The interim assessment will be helpful in keeping a deadline for progress looming in between annual reports.

#### IMPACT OF THE REPORT

It is still early, of course, to measure the impact of the 2004 report as we are only one week out. That said, we already have succeeded in several ways. News media

around the world have used the report as a way to write about the crime—and what their governments are, or are not, doing to confront it. Our embassies are using the report to engage governments and conduct public outreach. And brave NGOs worldwide, working to assist victims often on a shoestring budget, can point to the report as helping to legitimize their efforts.

Embassies provided host governments with copies of their *TIP Report* ratings 24 hours in advance of the release, and in the week following the release, we have continued to demarche governments with suggestions for the upcoming year. We are working with Tier 3 governments who have evidenced political will to take actions within the next 45 to 90 days to demonstrate significant efforts, thereby meeting the standards of Tier 2 and avoiding a sanctions determination.

#### TRANSPARENCY

This year, we worked hard to increase transparency by directly stating which factors led to low rankings, and we provided all governments with at least one recommendation for concentration in the upcoming year.

Japan, for instance, was placed on the Tier 2 Watch List, but the media reaction has been largely positive. The UAE, which jumped in 2003 from Tier 3 to Tier 1 and dropped this year to Tier 2, reacted relatively positively to the analysis, recognizing the need for greater action and using the new ranking as incentive for progress. The ombudswoman responsible for TIP in Cyprus, which debuted this year on Tier 2 Watch List, called the report balanced. Pakistan, the only Tier 2 Watch List country in its region, took the report seriously and pledged to work on improvement immediately. Some governments, such as Armenia, agreed with our direct criticisms and already have used the *TIP Report* narrative to review their own national action plan.

#### CONCLUSION

In just four years since we began issuing a report on human trafficking, nations have found so much common ground, and so many countries that did not recognize their slavery problems four years ago are now committed to eradicating it. The U.S. has dramatically increased its efforts as well, investing more than \$70 million internationally to fight human trafficking in FY 2003 alone.

Domestically, the Department of Homeland Security has taken an aggressive approach to the worldwide problem of human trafficking investigating and providing short- and long-term immigration relief to trafficking victims as well as arresting, processing, detaining, and removing undocumented traffickers from the United States. Additionally, in the last three years, the Department of Justice has nearly tripled the number of prosecutions of human traffickers, and the Department of Health and Human Services has launched a public awareness campaign to help rescue victims.

The importance of this cooperation and action cannot be underestimated because trafficking poses a serious multidimensional threat to human rights, public health, and the safety and security of communities worldwide. It is a crime that has troubling implications to us all.

To meet a youngster, as I have in Asia or Europe, torn from home, raped and brutalized, and to realize she is one of hundreds of thousands because *this depravity is systematic*—you have little choice but to become a contemporary abolitionist as has happened to me and to Secretary Powell, to Under Secretary Dobriansky and to President Bush and, I know, to many of you.

I am now happy to take your questions.

Mr. GALLEGLY. I really apologize that we have no control over timing. It was critical that we get this hearing this morning to get updated with the report.

Very quickly and I will try to make my questions brief so that my colleagues, who have done so much work on this issue, will have an opportunity as well.

I mentioned earlier the issue of the three countries added to the tier 3 list in this hemisphere. What are we doing to assist these countries to eradicate trafficking?

Mr. MILLER. You noticed, quite correctly Mr. Chairman, that there were countries, there were several countries in the Western Hemisphere added to the report that were not there before.

Mr. GALLEGLY. Three to tier 3.

Mr. MILLER. Yes. More information. We added another 15 or 20 countries this year. Every year we are adding. If a country isn't in the report, it doesn't mean they don't have a slavery problem. What it means, in all probability, is that we didn't have enough information to establish there were 100 victims. So more information helps.

You mentioned the countries Ecuador, Venezuela, Guyana and Cuba which are in this hemisphere. We are presently at work with three of these countries. We would offer to exchange information on slavery with the fourth country, if they showed an interest.

I am confident, I am confident that the three countries there, particularly Ecuador and Guyana, who were on the report for the first time, I think there was a lack of awareness there.

They are becoming aware fast and we have steps for them to take in the next 3 or 4 months. Our purpose is not to impose sanctions. The purpose is to get progress.

I am very hopeful, Mr. Chairman, that those two countries, Ecuador and Guyana, there will be progress. I hope there will be progress in Venezuela and Cuba as well.

Mr. GALLEGLY. You mentioned or made reference to the tier 2 countries. I think you mentioned Russia, Japan, and India in tier 2.

Do you feel that there is any level of complacency when they are on the tier 2 level, without any concern for maybe slipping to tier 3? How do you see these tier 2 countries addressing the issue, since they are tier 2 and not tier 3?

Mr. MILLER. Of course there is the danger of complacency. You are right and that is why in retrospect, I think it was a good move for you to create tier 2 watch list, because those countries you mentioned, Japan, Russia and India, are no longer just tier 2. They are tier 2 watch list and it is labeled there and they know it.

If there was complacency, I think that complacency is disappearing. I can speak with more information on Japan than any of the other two that we just talked about, because I visited Japan in February.

I think there was complacency in Japan. A tremendous gap between the size of the problem and the efforts devoted and resources to solving it, but in the last 2 months as this report has moved ahead, the government of Japan has undertaken some steps and made a lot of additional promises, which is one of the categories for tier 2 watch list.

I am hopeful that there is going to be some progress in Japan. I will be disappointed if there is not.

Mr. GALLEGLY. Thank you, John.

In the interest of time, I am not going to use all my time. Ms. McCollum, do you have any questions?

Ms. MCCOLLUM. I apologize. I literally have four Subcommittees all going at the same time. If I could ask a question about Laos.

Mr. GALLEGLY. Would you bring your microphone down, Ms. McCollum?

Ms. MCCOLLUM. If I could ask a question about Laos. Laos in the report is making attempts and strides to stop trafficking, but you see the biggest barrier for that is that the government is so poor

that it really has to rely totally on the generosity of non-governmental organizations and its efforts to address this issue.

Mr. MILLER. What you say is correct and Laos is on tier 2 watch list. Of course Laos is not a well-off country.

However, where there is a will, steps can be taken. Where there is a will, the new anti-trafficking law that has been already drafted in Laos can be presented and passed.

Where there is a will, law enforcement can arrest some of the traffickers and prosecute them. There haven't been many of those in Laos.

Where there is a will, the government of Laos can cooperate with NGO's. So yes, it is true. They are not a well-off country, but in your wisdom in setting out criteria, we are allowed to consider resources and capacity.

We do consider that and a less well-off country is given a little more latitude than a well-off country. If you want to get into more detail on Laos, I would be happy to get together with you another time to go into a detailed briefing on Laos.

Ms. MCCOLLUM. The government is going through an internal struggle within itself to become more open with the next generation of leaders that are coming forward and we have an opportunity I think with the strong ties between our country and the country of Laos to encourage more openness in there. I was pleased to see that they are turning to the non-profit, the NGO's, because—

Mr. MILLER. Yes, they are.

Ms. MCCOLLUM. That in itself is a major step for the government of Laos to admit that it needs help, that it wants to work, that it wants to correct its actions.

Mr. MILLER. And I think our relations with Laos in this area, I am not knowledgeable in our relations and all the issues that I think you are probably familiar with in Laos, but in this area of trafficking I think our relations are decent and there is the basis for cooperation.

Mr. GALLEGLY. Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman and thank you for chairing this very important hearing. I want to thank what will soon be and should be Ambassador Miller for the tremendous work he has done and his staff.

You know President Bush does not get the kind of praise that really he ought to get for the leadership he has shown. Secretary Powell as well on this issue of trafficking and at the core of all of those efforts is our former colleague, Mr. Miller. I want to thank you for the great work you are doing.

I do have a couple of questions, if I could. One, on the implementation of part of the new law that deals with the regulations. Where are they? Dealing with contractors, DOD, State Department, any contractor, so that we can get a handle on it.

As you know, that legislation and that provision was designed to inhibit and hopefully stop completely complicity on the part of U.S. contractors and their personnel abroad, who are complicit in trafficking.

We know that DynCorp and others have had personnel, particularly those involved in the policing in the former Yugoslavia, that

were complicit in trafficking and the only penalty was a slap on the wrist and repatriation. Pulling those contracts, it seems to me, as the legislation requires, where are those regulations?

If you could as well on the interim report, Mr. Miller, with regards to the special watch list, how do you envision that? Thank you for the good reporting that you and your office and the State Department has done.

Forty-two countries are on the watch list. In the past, they probably would have been tier 2 countries and would have mistakenly suggested that they are taking serious and sustained efforts to mitigate trafficking within their country, when indeed they are right on the borderline and could easily flip into tier 3.

It also, I think, puts them on notice that we are watching and watching very closely. 11 of those countries are OSCE countries, which I think is very disturbing.

Of course Russia is on that list, you might want to touch on and I know you have personally been involved in trying to get the victims legislation passed there.

Let me just also and I know Members of the Committee are aware of this, but you, working along with the Department of Health and Human Services and the Department of Justice, have now initiated upwards of 10 meetings in mostly large cities throughout this country so that the other part, you talked about demand, as well as treatment of victims who come here, are adequately taken care of so that everyone is on the same page.

The U.S. Attorneys, the local State's Attorney General and everyone else in that line, all the NGO's that provide protective and helpful services to the women.

The next one that I know of will be in Newark, New Jersey, in my own state. There is one in Milwaukee, Las Vegas, Portland, Seattle, San Francisco and there have already been several and Tampa is coming up as well. You might want to touch on that.

I think that is another under-heralded, unfocused upon part of the roll out of this war on trafficking and finally on Greece, with the Olympics coming up, we know that the Greek government has recently taken some positive steps.

Ambassador Miller, another Miller, in Greece has been dogged in his determination. Many of us visited him recently on a trip dealing with this trafficking issue and I was very pleased, as were my colleagues, to see what he is doing. He has made this the top issue that he works on.

The Greek government, yes, it has problems. It has been tier 3 in the past. Seems to be taking efforts. With the Olympics coming up, do you foresee that there might be a serious problem of exploiting these women? A spike of exploitation during that Olympic games?

I have other questions, but time is of the essence. One last thing, Vietnam. Vietnam ought to be a CPC country, a country of particular concern, because of its religious persecution.

They are, as we all know, a tier 2 country watch list. Hopefully based on the data, if they do not change their ways, hopefully they will be a tier 3 country, because I think the record is very poor in Vietnam when it comes to trafficking for sex exploitation, as well as for economic exploitation.

Mr. MILLER. I will try to just go briefly down the list of questions. You referred to the terrible situation with DynCorp and moving to get contractors and our Defense personnel on board.

With your legislative push and President Bush's leadership, each agency, including the Defense Department, has come up with a plan on how to combat trafficking.

Defense Department issued a memorandum just a couple of months ago. We worked with them on this, calling for zero tolerance policy on trafficking. Their employees. Their contractors and everything.

This is not to say there aren't challenges. You have been involved in this issue for years, but I think there has been some movement.

The watch list, you talked about what happens. Yes. I should have mentioned that. Under your legislation, while from tier 3 they got 3 months to shape up or they face the possibility of sanctions, on watch list we are supposed to issue an interim assessment by February 1 of next year.

That is not going to be a re-ranking. That is just basically going to say here is how you are doing. Here is where you are doing well and here is where you are not doing well.

It will certainly serve as an indication if a country is on the road to tier 2 or to tier 3, the following spring.

The meetings you mentioned, yes, the Justice Department is having meetings around the country. I think that is very good. We have a slavery challenge in the United States of America. We all know it.

I tell people that. I tell them. Our President, our Congress is aware of this. In fact, this year the very day the Secretary of State issued this report, this Senior Policy Operating Group I chair, with the Justice Department taking the lead, issued a report on the United States, how we are doing, where we can do better.

We are starting to have meetings with Embassies here for the purpose and we bring Justice and HHS and others, the purpose is to let them know what they can do in the United States if a citizen from their country calls and is a potential victim.

You mentioned Greece. Ambassador Miller, we gave him an award. Our office. First Ambassador so honored for his distinguished work in fighting trafficking. No relation. Yes.

He has been incredible and his wife is honored in this report as one of the heroes, because she has lead the movement to create shelters in Greece.

Vietnam, I will tell you the main reason they are on the watch list here. A big forced labor case, which you probably read about, the Vietnamese laborers ended up in a business owned by a Korean in an American territory, Samoa. American Samoa. 200.

The reason Vietnam is on the watch list is we got a lot of information from the Justice Department on this prosecution. The Vietnamese government, we believe, knew about the export of these people, sent representatives to make them tow the line, manipulated their families. It was basically complicit.

They are starting to take steps to address that situation and we hope we will not have a repeat.

Mr. GALLEGLY. Mr. Pitts?

Mr. PITTS. Thank you, Mr. Chairman, for holding this important hearing and thank you, Mr. Miller and your staff for all the tremendous work that has gone into preparing this report and thank you, Chris, for your leadership on this issue. Your energy and passion has given hope to many, many women and children and men around the world.

Two questions quickly. We do not have a lot of time. According to the figures presented in the TIP report, the number of victims trafficked across borders is in the hundreds of thousands.

The number trafficked within individual countries is in the millions. How is the issue of internal trafficking being addressed diplomatically and programmatically?

Then if you could highlight the special needs of child victims. When I was in Thailand, I met a little boy who was 8-years-old. He was an internally displaced person from Burma. He saw both of his parents killed. Then he was trafficked into slavery.

He managed to escape and made it to this refugee camp, where he was in this little orphanage, all by the age of 8. He was so traumatized he could not even smile. How are we dealing with child victims in particular?

Mr. MILLER. On internal trafficking, you are right. That 800,000 figure would go into the millions if it counted internal trafficking.

We count internal trafficking in our report, as near as we can get to it. I mean if a country has an internal trafficking problem, that sure counts as slavery in our opinion.

The government of New Zealand had a disagreement on that with us. That is one of the reasons they objected, because we did look at internal trafficking. Internal child prostitution trafficking in New Zealand.

You talk about children. It is——

Mr. PITTS. 50 percent of them.

Mr. MILLER. Yes. Fifty percent children. I mean isn't that staggering? I am just talking about the children I have met. It seems like that figure 50 percent is very real to me, particularly when you are talking about sex slavery or domestic servitude slavery. These are frequently teenagers or younger that are involved.

Now what can we do? I think when we appeal to the world for cooperation, when President Bush went to the U.N. General Assembly and appealed for cooperation, I think that all the governments of the world when you talk about children and the NGO's of the world, it gets home to them.

So the President in his \$50 million initiative that he pledged for this year, which we are in the process of carrying out, there is going to be an emphasis on children.

The President has asked us to pay particular emphasis when it comes to child sex tourism and working with other countries on laws, such as our Child Protect Act, so all countries, particularly the sending countries, can arrest and prosecute these people.

We could go on. There is a lot more that should be done about children.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. GALLEGLY. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I will not have a question, because I think that it is important for us to move as quickly as possible to the next group of witnesses.

I just would make the observation that as you read the report and listen to the testimony, it is hard to escape the fact that one of the ramifications of open borders, our own borders especially on our southern border, one of the ramifications is, of course, the access it provides to the trade in human beings and the fact that free trade is in a way can be defined now as also free trade in people.

Because if you don't have borders and if you don't try to actually secure them, the access to countries like the United States and others where the demand is so great for these kids and women will allow that trade to occur a lot more. Much more of it. Much more significant trade than if we actually secured our borders.

These are just other reasons we need to secure our borders that come to mind, as I listen to this testimony. But I have no other questions.

Mr. MILLER. Could I briefly respond to that? What you say is correct and it has been referred to as the dark side of globalization, the trading of people. But please also keep in mind a lot of the victims come in legally.

Big case in my city of Seattle. They all came in legally. Then they were raped, beaten, et cetera and I see in Japan 55,000 Filipinos coming in legally on "entertainer" visas. There are both challenges.

One last comment, I want to thank my staff for their incredible work on this report. You helped to augment our staff, increasing it from three or four working on this report now to seven or eight. We appreciate that support.

Mr. TANCREDO. Mr. Chairman, let me yield to my colleague, Mr. Smith, who would like to address something before—

Mr. SMITH. I do have one final question. I could have a lot, but obviously time does not permit. Mr. Miller, the issue of NATO and peacekeeping deployments, another issue that the Bush Administration, you, Secretary Rumsfeld and Secretary Powell have gotten very scant notice in the media and I am not sure how many people from the press are here, but we are leading by example, when it comes to our peacekeepers and our international deployments.

A couple of years ago, the Inspector General and the Administration did a very thorough look at what is going on with regards to trafficked women and their proximity to military bases abroad.

They started with South Korea and General LaPorte took the lead, working with Joseph Schmitz, our Inspector General and came up with a very, very strong action plan to try to deter complicity and the exploitation of women in proximity to our military bases in South Korea.

Phase two of that rolled out into the former Yugoslavia. That now has led, as you know so well because you have worked on it, with a zero tolerance policy within the military and NATO now is poised to go forward with a comprehensive policy that is with the United States taking the lead. I want to thank you for your leadership on that.

Ambassador Nicholas Burns has taken the lead on that as well. Our Helsinki Commission has worked on and members of the Com-

mission have met with many NATO friends, Ambassadors and the like, to push this idea.

But again, it started at the top with President Bush and you and others have made a difference. I haven't seen one word of that in *The Washington Post* or *The New York Times* with regards to this policy and yet we hear all about the terrible abuses, which all of us abhor, with regards to Guantanamo and especially in Iraq.

You know I take second to no one in condemning those practices and those who have committed those kinds of practices of humiliation and torture need to be held to account.

But we are leading by example and many thousands of women will be protected from forced prostitution as well as the rape that goes along with it, because of the leadership that we have had.

I have not seen I don't think one word in the media about this effort. A zero tolerance policy that has been enunciated by executive order and by the leadership of this Administration.

Our next target has to be the United Nations, where those peacekeepers and those deployments have notoriously been involved with trafficked women as well. So you might want to comment if time permits.

Mr. GALLEGLY. John, we really are going to have to wrap this up, because we have a second panel.

Mr. MILLER. Absolutely.

Mr. GALLEGLY. In fairness to them and I apologize for the brevity of this meeting, but the rules of the House mandate that we cannot have concurrent hearings in the Committee.

I want to thank you, John. You have done a terrific job. I would also like to acknowledge how closely you have worked with our office and kept us up to speed with our work on the Committee.

I value that relationship. I value our friendship and I thank you very much, John.

Mr. MILLER. Mr. Chairman, the feeling is mutual. I appreciate the good words. Our staff that I have thanked, appreciates the good words and I feel when we meet, this Subcommittee is so involved in this issue that you understand why all of us, President Bush, Secretary Powell, Undersecretary Dobriansky, all of us today in the 21st Century have to be abolitionists.

Mr. GALLEGLY. Thank you very much, Mr. Miller.

Our next panel, if they would come forward. We are fortunate to have three very distinguished witnesses on our next panel.

Our first witness is Ms. Sharon Cohn. Ms. Cohn serves as the Vice-President of Interventions for International Justice Mission.

Our second witness is Ms. Holly Burkhalter. Ms. Burkhalter is the U.S. Policy Director of Physicians for Human Rights.

Our final witness, Ms. Michele Clark, is the Co-Director of The Protection Project of the Johns Hopkins University School of Advanced International Studies.

We welcome you this morning and with that, you understand our time situation, Ms. Cohn. We await your testimony. Thank you.

**STATEMENT OF SHARON B. COHN, VICE-PRESIDENT OF INTERVENTIONS, INTERNATIONAL JUSTICE MISSION**

Ms. COHN. Thank you, Mr. Chairman. Thank you very much for convening this timely hearing on trafficking persons. I know that

the time is short, but you honor the victims and you protect those who would be victims by calling this hearing and I appreciate it.

My name is Sharon Cohn and I serve as the Vice-President for Interventions for International Justice Mission. We believe that modern day slavery is fatally vulnerable to the vigilant efforts of the U.S. Government and international community.

The release of the TIP report and this hearing are two further demonstrations that there is a united front to end the very lucrative business of rape for profit that is commonly referred to as sex trafficking or commercial sexual exploitation.

I am grateful to the Subcommittee for the opportunity to share a little of what we have learned through our experience around the world.

IJM deploys criminal investigators around the world to infiltrate the brothels, using surveillance technology to document where victims are being held. We then identify the victims. We identify secure police contacts who can conduct the raids, release the victims and arrest the perpetrators.

Then we coordinate with aftercare providers to provide for appropriate aftercare and support and monitor the prosecutions.

IJM investigators have spent literally thousands of hours infiltrating the sex trafficking industry and working with governments around the world to bring effective rescue to the victims and accountability to the perpetrators. Through this, I think we have learned some valuable insights as to the nature of the crime and to its weakness.

I am very grateful to the leadership of the Members of this Subcommittee, who with bipartisan support, passed legislation to end trafficking here and around the world. This legislation, as implemented through the leadership of Mr. Miller, is producing tangible results.

What do we mean by trafficking? In short, it is the serial rape of children and women for profit, nothing less and while this crime can be described more politely, I don't believe it can be described more accurately.

We think it can be understood best through the lives of the victims who have suffered under it so I would like to take just a moment to introduce you to one of them, a woman named Jar.

She is a 21-year-old young woman in Southeast Asia. She is in many ways the typical trafficking victim, though she of course would not think of herself as such.

At the age of 15, she was trafficked from her home country to a neighboring country at the promise of good employment. Instead, she was driven the length of the country, sold to a brothel, placed behind a glass wall and sold to her first customer, a sex tourist from a foreign land.

She told me she wanted to run away, but she could not. The door was locked. She didn't speak the language and she didn't know where to go.

So for 7 years Jar was subjected to daily sexual assaults for the profit of those who kept her confined in the brothel. Nearly a third of her life has been spent being subjected to rape.

Jar, is as I said a typical trafficking victim in many ways. One thing distinguishes her. Unlike the millions of other women and

children in the brothels today, she was rescued, which leads me back to the original issue of whether the anti-trafficking legislation is effective.

By effective, I mean are girls like Jar being rescued from the brothels? Are the traffickers, brothel keepers, and sex tourists who brutalize girls like her being put in jail? Are other girls like Jar being prevented from entering the brothels and are girls like Jar being given the protection and rehabilitative services they need to live their restored life?

Our experience suggests that the answer is yes, but more is needed. First, yes. The anti-trafficking legislation works. We saw this in Cambodia where in 2002 Cambodia was placed on tier 3 by the State Department and on March 29, 2003, I saw 37 children, the youngest of whom was 5-years-old, being taken out of the brothels in Cambodia.

In part, they were rescued because the U.S. Embassy, through the efforts of Ambassador Charles Ray, effectively communicated the priority that the U.S. foreign policy places on the issue of sex trafficking.

So when IJM presented the evidence to the Cambodian authorities, they were eager to deploy dozens of officers to raid the brothels, rescue the girls and arrest the perpetrators.

But when you hold the little kids in your arms and they recount the crimes that were committed against them, you understand that the rescue alone is not enough. Thus, the legislation, your work, and consequently the TIP report, rightly reflect that what protects these little girls and others like them is the perpetrators actually go to jail.

I am pleased to report that in this case, in two trials, eight defendants were convicted of trafficking related offenses under Cambodian law and given sentences ranging from 5 to 20 years.

Just last week, IJM worked with authorities in the Dominican Republic to execute a raid. Dominican Republic was on tier 3 last year and on Monday, 22 children were rescued, 16 girls and six boys, including this boy Tomas and four perpetrators are being charged with trafficking related offenses under Dominican law.

This is good news for the children of the Dominican Republic and a demonstration that United States policy can be effective.

A few quick points, because time is short. The tier 2 watch list that was established by your legislation provides for heightened scrutiny of countries who have an exceptional number of victimizations or where there has been a failure to demonstrate increased convictions and sentences of perpetrators.

This watch list is strongest if it is not perceived merely as a fourth tier, but rather as a precept from which countries will fall to tier 3, unless tangible results can be demonstrated by February 1.

In other words, countries should not be able to remain on the watch list for successive years, but must be required to demonstrate that they have taken the required actions to be assessed as tier 2.

The watch list also enables the U.S. to provide resources that promotes practical capacity building to encourage perpetrator accountability and compassionate aftercare for the victims.

I would just encourage this Subcommittee to provide whatever resources it is able to, to do that.

Finally, as my co-panelist, Ms. Burkhalter, can speak of more fully to than I can, sex trafficking is a death sentence for many of its victims.

As the U.S. forms and implements its strategy to combat the pandemic of AIDS, we urge the Subcommittee not to forget those least at access to traditional prevention strategies, the victims of rape for profit.

I would just introduce you to Nandi, who you see depicted here. She lost that fight this year on March 18, when she succumbed to AIDS-related illnesses, as a result of having been trafficked three times by her father.

I sat with her shortly before she died and it is with her in mind and the millions of others like her and Jar and Tomas that I thank you for holding this hearing and for giving us the opportunity to testify and I urge all who are able to work rigorously to end the trade of rape for profit. Thank you very much, Mr. Chairman.

[The statement of Ms. Cohn follows:]

PREPARED STATEMENT OF SHARON B. COHN, VICE-PRESIDENT OF INTERVENTIONS,  
INTERNATIONAL JUSTICE MISSION

Mr. Chairman:

My name is Sharon Cohn and I serve as Vice President of Interventions for International Justice Mission (IJM). On behalf of IJM, I would like to express my thanks to the Subcommittee for the privilege of participating in this important hearing on "Trafficking in Persons: A Global Review." This hearing comes at a critical time as The U.S. State Department has issued its first Trafficking in Persons (TIP) Report under the new standards set forth in the Trafficking Victims Protection Reauthorization Act (TVPR).

IJM is an international human rights agency that provides a hands-on, operational field response to individual cases of human rights abuse. These cases are referred to us by relief and development and faith-based organizations that witness the abuse in the communities where they serve. IJM provides professional legal services in each case by conducting a professional investigation to document the abuse and mobilizing intervention on behalf of the victims.

Many of the cases referred to us involve women and children abducted into sex trafficking and commercial sexual exploitation. Accordingly, we deploy criminal investigators to infiltrate the brothels, use surveillance technology to document where the victims are being held, and identify secure police contacts who conduct raids with us to release the victims and arrest the perpetrators. We then coordinate the referral of these victims to appropriate aftercare, and support and monitor the prosecutions.

IJM investigators have spent literally thousands of hours infiltrating the sex trafficking industry and working with government authorities around the world to bring effective rescue to the victims and accountability to the perpetrators. In the process, IJM has gained, I believe, some precise insights about the nature of the problem and helpful lessons about concrete steps that actually prove effective in fighting sex trafficking. We are grateful, therefore, for the opportunity to share something of what we have learned with this Subcommittee.

Most of what we learn is from the victims themselves and the legal cases where we advocate for perpetrator accountability. For example, last year we learned quite a bit about the challenges of combating trafficking of children in Cambodia. Our three-week undercover operation in Svay Pak, a village outside of Phnom Penh, identified 45 children under the age of 15 who were being offered for sexual exploitation, often to foreign sex tourists, including U.S. citizens. On March 29, 2003, as a result of the proactive engagement of U.S. Ambassador Charles Ray and the leadership of General Un Sokunthea of the Cambodian Ministry of Interior Anti-Human Trafficking Juvenile Protection Division, 37 girls were rescued from the brothels, including about a dozen who were between the ages of 5 and 10 years old, and 13 suspects were arrested.

One of the most chilling experiences I have ever had was sitting with the little girls, the youngest of whom was five years old, through their police interviews. The girls were terrified, but some were able to recount crimes that defy imagination. Listening to these girls will, in an instant, clear whatever fog remains about the nature of trafficking. Trafficking is serial rape for profit. And although prevention is a critical element in protecting other little girls from being brutally exploited, for the girls already in the brothel, the only course of action that benefits them, that actually saves them, is a police intervention that takes them out of the brothels and puts the perpetrators in jail.

Thus, I am happy to report that not only were these 37 girls rescued, but ultimately, the Phnom Penh Municipal Court held two criminal trials for nine suspects charged with trafficking-related offenses. On October 15, 2003, with the help of testimony from IJM's lead investigator and supported by undercover video, the Court convicted six perpetrators of trafficking-related offenses and handed down prison sentences ranging from 5 to 15 years.

On January 15, 2004, in a related case based on IJM's investigation, one of the most notorious traffickers in Phnom Penh and her son went on trial for trafficking-related offenses. Again, IJM was given the opportunity to submit undercover video as evidence and again, IJM's lead investigator was invited to testify. The lead perpetrator, who had operated a brothel in Phnom Penh for more than 10 years and was well-known for her sale of virgin girls, was convicted and sentenced to 20 years imprisonment, believed to be the longest sentence ever handed down in Phnom Penh for a similar crime. Her son was sentenced to 5 years imprisonment as her accomplice.

What have we learned from this and other cases over the last year?

1) The Trafficking Victims Protection Act ("TVPA") can be effective (and, in fact, is only effective) when the State Department, through the U.S. Embassy, is willing and equipped to make an objective assessment of a country's efforts to combat trafficking. How can we measure whether the TVPA is effective? The TVPA is effective when women and children who were being serially raped in a brothel one day are free the next. The TVPA is effective when traffickers and brothel keepers, and pimps who profit from serial rape are arrested, prosecuted, convicted and sentenced. These convictions and sentences not only prevent the *criminals on trial* from further victimizing other children and women through the enterprise of rape for profit. Of equal importance, they deter other *would-be perpetrators* from victimizing more women and children because the perpetrators determine that the risk of punishment is too high.

The purpose of the TIP Report is simple: to provide accountability. Therefore, the Report has its intended effect when it is actually written in a way that makes accountability easy, rather than making it hard. We should make no mistake. There are those who are interested in making clear accountability harder rather than easier—and there are ways to fashion the TIP Report that either promotes accountability or obscures accountability. Effective accountability is achieved when the Report provides specific, objective, and transparent data on a government's actions that actually matter. And from the perspective of the sex traffickers, only one government action matters: "Is the government seriously threatening to actually send me to jail for doing this?"

Consequently, effective accountability regarding the seriousness of a government's efforts to combat trafficking emerges when there is specific, objective data on the number of successful trafficking-related convictions resulting in jail time.

I am very grateful to Ambassador Miller and his staff in the Office to Monitor and Combat Trafficking in Persons for the 2004 TIP Report because it goes further than the 2003 Report in doing just that. In providing data that can be quantified and measured against the level of victimizations, the 2004 Report promotes effective accountability that will translate into tangible relief on the ground.

This lesson has been reiterated to us even last week. This lesson has been reiterated to us even last week. The 2004 TIP Report places the Dominican Republic on the Tier 2 Watch List stating, "it lacks effective law enforcement." According to the Report, only two new arrests were made during the reporting period and neither case went to trial during the reporting period "it lacks effective law enforcement." According to the Report, only two new arrests were made during the reporting period and neither case went to trial during the reporting period. Last week, in response to an IJM investigation, more than a dozen law enforcement officers in the Dominican Republic worked with IJM staff to rescue 22 children (16 girls and 6 boys) from the hands of local pimps who were selling the children to sex tourists. The authorities arrested 5 pimps, charging them with trafficking-related offenses in what they believe to be the largest human trafficking raid in the Dominican Republic. If the Dominican authorities vigorously pursued these cases, it will send a

strong message to other would-be pimps and traffickers in the Dominican Republic that the trade in children is not profitable but in fact will lead to significant jail time.

And last month, I had the opportunity to meet with an officer in the Foreign Affairs Ministry in a South American country who expressed his great concern that his country might be placed on Tier 3 of the TIP reports. He reported that in response his government had established an interagency task force and a special police squad, and had conducted raids to rescue girls trapped in a brothel. In other words, there are girls who were being sexually exploited and are not today, in part, because the U.S. State Department was willing to make an objective assessment of that country's anti-trafficking efforts.

In sum, governments have taken notice. The Trafficking in Persons legislation is working.

2. The TVPRA strengthens anti-trafficking efforts and can be used to rescue even more women and children if implemented with the high standards intended by the legislation.

The TVPRA of 2003 strengthened the original legislation in several meaningful ways. First, it recognized that an objective assessment of a country's efforts to combat trafficking could only be achieved by an assessment of actual data. As a result, it required that the State Department consider the quality of data provided and adversely consider the failure to provide data. The 2004 TIP Report reflects this increased vigor.

Second, the TVPRA required that the State Department consider not only investigations and prosecutions, but also convictions and sentences in determining whether a country is meeting minimum standards to combat trafficking or is making significant efforts to do so. This puts into law what the criminals know well—that at the end of the day, convictions and sentences of imprisonment are what really matter. Traffickers, brothel keepers, and pimps are quite willing to endure raids, arrests, and even prosecutions if, at the end of the day, they don't have to actually go to prison. In fact, such actions are just considered part of the cost of doing business. Moreover, even the most corrupt police carry out raids and arrests and initiate prosecutions. In fact, they must do so in order to maintain the credible threat by which they extort bribes from the perpetrators. That is why countries with the worst sex trafficking records can report raids, arrests, and prosecutions, while they have very little to report in terms of actual convictions. These actions will not turn into a credible law enforcement threat that actually deters sex trafficking unless they result in convictions with imprisonment. This is the only cost of doing business that the perpetrators are unwilling to pay. The 2004 TIP Report rightfully reflects the critical nature of convictions as an indication of a country's willingness to shut down rape for profit within its borders.

Finally, the 2004 TIP Report is the first reflection of the TVPRA-created "Special Watch List" of countries including countries on Tier 2 where

- a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

In all of these cases, the State Department must be vigilant in ensuring that the Tier 2 Watch List does not merely become a fourth tier. Instead this Watch List should be seen as a precipice from which a country will fall onto Tier 3 unless it can demonstrate that it has sufficiently addressed the reasons for which it was on the Watch List. The interim assessment that will be submitted to Congress on each of these countries should reflect this enhanced scrutiny.

3. U.S. policy is advanced through practical capacity building for programs that send perpetrators to jail and provide for the victims.

The Watch List also presents the U.S. government a unique opportunity for partnership with foreign governments as it highlights specific issues that warrant attention in those countries' efforts to combat trafficking. In addition to political will, foreign governments need the practical wherewithal to take decisive law enforcement measures to combat trafficking and to care for the victims. Accordingly, U.S. policy is advanced when it funds programs that address the intensely practical challenges of strengthening law enforcement capacities to investigate, arrest and successfully

prosecute sex trafficking offenders. Foreign governments need U.S. assistance to support their special anti-trafficking police units and prosecutorial teams with training, operational support, and hands-on assistance in achieving the priority outcome of sending offenders to jail.

Education, awareness, and poverty alleviation programs are important preventative measures, but they will never be able to keep pace with the entrepreneurial energy and creativity of the traffickers unless they are combined with practical programs that actually help make national law enforcement successful in sending perpetrators to jail. Although we have encountered police officers who are heroes in this fight against sex trafficking, police complicity in sex trafficking has often been so pervasive and ugly that many have been tempted to imagine solutions that simply ignore police participation. But in combating any crime, the answer to *bad* law enforcement is never *no* law enforcement—the answer must always be a committed struggle for *better* law enforcement.

Equally critical are programs that fund comprehensive and compassionate aftercare services for the victims of sex trafficking. Not only are such programs necessary to treat victims with the dignity and care they deserve, but also absolutely indispensable for establishing the victim cooperation, which is essential for any meaningful counter-trafficking endeavor. At present, the existing capacities for providing comprehensive aftercare for the victims of sex trafficking are tragically inadequate. In fact, IJM has been limited in the rescue operations it could conduct for victims otherwise because of the lack of aftercare capacity. This is a need that can and must be addressed by targeted and generous appropriations.

Two final points. As the U.S. labors to combat the enormous pandemic of HIV/AIDS throughout the world, we must remember that victims of sex trafficking remain uniquely vulnerable to the disease and often uniquely unreachable by traditional methods of HIV prevention. While traditional AIDS prevention programs of education and awareness go a long way in helping women and girls make good choices to avoid high-risk sexual activities, they do nothing to protect the millions of women and girls who do not get to make choices about their sexual encounters—particularly the millions of victims of commercial sexual exploitation who are forcibly infected with the HIV virus. Accordingly, federal funding of programs aimed at combating the international AIDS epidemic must include support for programs to combat sex trafficking and other forms of sexual violence against women and girls, or else America's effort to fight AIDS will simply fail to address one of the fundamental and certainly most brutal causes of the epidemic.

While this may sound regrettable or even tragic, it doesn't become absolutely haunting until you meet Nandi. Nandi and other girls have literally died in IJM staff members' arms, ravaged from HIV/AIDS related illnesses after having been forcibly injected with the virus by being forced to have unprotected sex with customer after customer against their will. Trafficking thus becomes not merely profoundly brutal, but deadly. Likewise, the efforts to combat it become not only important, but critically urgent.

Finally, I want to commend Congress for its passage of the Protect Act, which is being used by U.S. Attorneys' Offices around the country to prosecute Americans that travel abroad to commit sex crimes. This law, which has been successfully used against an American who traveled to Cambodia to exploit children, is a vital tool to crush the demand for trafficking victims, created by our own citizens.

IJM looks forward to continuing its constructive work with the U.S. State Department, foreign governments, and partner NGOs in helping to ensure that the promises of U.S. policy in fighting sex trafficking and commercial sexual exploitation deliver tangible results to vulnerable women and children, and hastens the day when these brutal enterprises of rape-for-profit are simply put out of business.

Thank you very much.

Mr. GALLEGLY. Thank you, Ms. Cohn.  
Ms. Burkhalter.

**STATEMENT OF HOLLY BURKHALTER, U.S. POLICY DIRECTOR,  
PHYSICIANS FOR HUMAN RIGHTS**

Ms. BURKHALTER. Thank you very much for inviting me again to appear before you, sir. It is an honor to be here with your and your colleagues on the Committee, as well as with two of my heroes and mentors in the anti-trafficking community, Michele and Sharon. I am pleased to be here.

In the interest of time, I will not go through my praise of the good work of the TIP office and of John Miller. I agree with what has been said and I think that it is a superb example of what can be done when there is bipartisan support and enormous energy and courage in the appointment of the Director of this effort.

I would like to go directly to a subject that Sharon introduced for me, which is the issue of HIV/AIDS on which I do most of my work these days at Physicians for Human Rights.

I am going to focus on a particular country, Thailand, not because it is the only country that has a trafficking problem and an HIV/AIDS problem at all, but because I think it provides an example of what could be done to include an end to sex trafficking and particularly the trafficking in underage children and in women who are fleeing violence and persecution in their country of origin. That would be Burma.

I am focusing on this because it is one of my goals and the goals of my organization to see prevention of trafficking and prevention of sex slavery and child sexual exploitation as an AIDS prevention method, right along with ABC and safe medical care and safe blood transfusions and all of the other HIV prevention methods.

Given the number alone of sex trafficking victims and their unique vulnerability to transmission of the disease, we would really like to see prevention and an end to trafficking as one of the seminal and very important HIV/AIDS prevention methods and a great place to lift that up is at the Bangkok International AIDS Conference, the 15-day conferences occurring next month in mid July.

One of the reasons Thailand was selected as the venue for this very, very important International AIDS Conference was precisely because it has been given very high marks and not without reason, for AIDS prevention approaches, particularly in the commercial sex industry.

I actually think that Thailand's success has been somewhat overrated in this regard, in particular because there are vast gaps in the AIDS prevention efforts that have been made in Thailand in the sex industry, though even those efforts that were made yielded important results.

Part of what was right about Thailand's effort was to promote norm change with regard to sexual activity in the commercial sex industry and particularly due to leadership in the early 1990's, virtually the entire country's views about protection and protection by sex workers and by their clients yielded a real diminution in AIDS transmission in the sex industry.

But what about the gaps? There were very important victims in commercial sex industry who were never reached by prevention and whose rights would not have been secured even if they had been reached.

That is the women and girls who didn't belong there, who didn't want to be there, who shouldn't have been there and who were uniquely vulnerable to being trafficked into Thailand's very large commercial sex industry.

Some have estimated that there is a quarter to a third of a million sex workers, prostitutes in Thailand, of whom some estimate 25 percent may be minors.

Using the more conservative figure of a quarter million, that amounts to 60,000 underage girls in the sex industry. They are uniquely vulnerable to HIV/AIDS transmission, particularly because AIDS is transmitted during their first 6 months on the "job," as it were, according to the epidemiology that is understood by AIDS experts.

Why? Because they are uniquely not able to negotiate safety in the sex industry, because many are young. I don't have to remind you of the physiology of AIDS transmission, given violence, brutality and youth. We talked about this a year ago when I testified and I would simply refer you to my testimony for those details.

But when you consider that looking to a more positive approach, if Thailand were able to, through norm change and outreach to the commercial sex industry, basically enforce 100 percent condom use, then they can also promote zero tolerance for non-consensual victims in the sex industry and for children and we would urge them to do so.

We particularly urge scrutiny and attention to women and girls who are particularly vulnerable. Thailand's Hill Tribe women and girls who do not have citizenship, even though they have lived in the country for many generations, who are sort of an under class and are particularly victimized in Northern Thailand brothels, and Burmese women and girls, many of whom have fled a regime of rape in their own country and are now uniquely vulnerable once they are in Thailand.

Let us add prevention and protection of trafficking of those victims as a part of our AIDS strategies and I think that we can get international agreement so long as we don't jettison other important AIDS prevention methods as well. Thank you very much.

[The statement of Ms. Burkhalter follows:]

PREPARED STATEMENT OF HOLLY BURKHALTER, U.S. POLICY DIRECTOR, PHYSICIANS FOR HUMAN RIGHTS

Thank you very much for holding this important hearing, Chairman Gallegly and for inviting me to testify. My name is Holly Burkhalter, and I am U.S. policy Director of Physicians for Human Rights. I am honored to be here. At today's hearing, I would like to review some of the health consequences of sex trafficking, offer some comments on the newly-released State Department Trafficking in Persons report, and also provide you with some of PHR's findings from a recent mission to investigate the health consequences of migration and trafficking for Burmese refugees and women and girls from Thailand's ethnic hill tribes.

As you may recall from my testimony before this Committee a year ago, Physicians for Human Rights and our Health Action AIDS Campaign is particularly concerned about the crimes of sex trafficking and the sexual exploitation of children and have worked to bring attention to these issues in the context of the international HIV/AIDS pandemic.

Exposure to HIV/AIDS compounds the crimes of abduction, rape and inhumane work and can make them a death sentence. As I mentioned last year, violence is common in commercial sex and particularly prevalent when women or children are forcibly subjected to sex against their will. Injuries and abrasions sustained during sexual contact heighten physical vulnerability to AIDS transmission.<sup>1</sup> And young girls' physically immature bodies are highly vulnerable to injuries, significantly heightening their risk of infection. Moreover, having other sexually transmitted dis-

<sup>1</sup>See UNAIDS, *Women and AIDS, Best Practices Collection* (Oct. 1997), at 3. Available at <http://www.unaids.org/publications/documents/human/gender/womenpve.pdf> ("Tearing and bleeding during intercourse, whether from 'rough sex,' rape or prior genital mutilation (female "circumcision") multiplies the risk of HIV infection."). See also UNAIDS, *HIV/AIDS and Gender-Based Violence factsheet*, c. 1999. Available at <http://www.unaids.org/gender/docs/Gender%20Package/GenderBasedViolence.pdf>.

eases (STDs) heightens the risk of contracting HIV by up to a factor of 10.<sup>2</sup> STDs are more common among women than men, and women often contract STDs at a younger age than men.<sup>3</sup>

HIV/AIDS researchers and epidemiologists have found that women and children in the commercial sex industry are the most vulnerable to HIV exposure during their first six months, the time in which the victims have the least ability to protect themselves and are thought to be safe because of their youth and/or inexperience.<sup>4</sup>

Countries with large commercial sex industries and a significant trafficking problem have very high rates of HIV infection. In India, for example, thirty to 60 percent of prostitutes and up to 15 percent of all truck drivers are infected with HIV/AIDS, according to a study released last year by the National Intelligence Council.<sup>5</sup> Research into HIV/AIDS and the sex industry in Mumbai indicated that 70% of the sex workers in Mumbai are HIV-positive.<sup>6</sup> A study in Surat found that HIV prevalence among sex workers had increased from 17% in 1992 to 43% in 2000.<sup>7</sup> A 2002 study on the relationship between trafficking and HIV in Nepal indicated rates of HIV infection were many times higher among Nepali women and girls trafficked to India than for urban sex workers in Nepal.<sup>8</sup>

A January 2004 study of the health consequences of trafficking into indentured servitude or the sex trade in Europe noted that "Trafficking often has a profound impact on the health and well-being of women. The forms of abuse and risks that women experience include physical, sexual and psychological abuse, the forced or coerced use of drugs and alcohol, social restrictions and manipulation, economic exploitation and debt bondage, legal insecurity, abusive working and living conditions and a range of risks associated with being a migrant and/or marginalized."<sup>9</sup>

Of 28 trafficking victims whose experience and health was studied, nearly half the women had been confined, raped or beaten during the travel and transit stage of the trafficking process and that nearly all had been "intentionally hurt" since leaving home. All the women reported having been sexually abused and coerced into involuntary sexual acts, including rape, forced anal and oral sex, forced unprotected sex, and gang rape. Six of thirteen women reported having unprotected anal sex. (HIV is 30 times more likely to be transmitted through anal intercourse than by vaginal sexual intercourse.) Most women who worked as sex workers reported having 10 to 25 clients per night, while some had as many as 40 to 50 per night.<sup>10</sup>

A recent investigation by Physicians for Human Rights (which will publish its study in July 2004) on migration, trafficking and health of Burmese refugees and women and girls from ethnic hill tribes in Thailand found that women and girls trafficked into factories and domestic service are also exposed to HIV because of rape by traffickers, factory bosses, and employers. Trafficking victims in such industries, as in the sex industry, lack language skills, are subjected to abuse and discrimination, and are denied access to health services. As trafficking victims they are at the mercy of employers and have no access to the protection of local police, who are often complicit in trafficking. Physicians for Human Rights' investigators found that discrimination against both women and girls of Thai minority ethnicity and against Burmese migrants and refugees are a factor in their vulnerability to being

<sup>2</sup>See UNAIDS, *Women and AIDS, Best Practices Collection* (Oct. 1997), at 3. Available at <http://www.unaids.org/publications/documents/human/gender/womenpve.pdf>.

<sup>3</sup>See Royal Tropical Institute (Netherlands), Southern Africa AIDS Information Dissemination Service (Zimbabwe) & World Health Organization/Global Programme on AIDS, 1995-6, *Facing the Challenges of HIV/AIDS/STDs: How Extensive are HIV/AIDS and STDs?* (1995) Available at <http://www.hsph.harvard.edu/Organizations/healthnet/HIV/docs/sea-aids/gend/gend80.html>.

<sup>4</sup>P.H. Kilmarx et al., "Seroconversion in a prospective study of female sex workers in northern Thailand: continued high incidence among brothel-based women." In: *AIDS*, 112, 1998, pp. 1889-1898.

<sup>5</sup>"The Next Wave of HIV/AIDS: Nigeria, Ethiopia, Russia, India, and China." National Intelligence Community Assessment, September 2002.

<sup>6</sup>Shankaran S.S. (2002) "Intervention for women and children in the red light area," Abstract WEePeG6910, the XIV International AIDS Conference.

<sup>7</sup>Dutta et al. (2002) "Strategizing peer pressure in enhancing after safer sex practices in brothel setting," Abstract TuPeF5332, The XIV International AIDS Conference.

<sup>8</sup>"Rates of HIV infection among sex workers in urban areas range from 17% in Nepal to as high as 72% in trafficked Nepali sex workers under 18 years of age in Mumbai, India. (UNAIDS, Report on the Global HIV/AIDS Epidemic. 2000. A study of sex workers in Terai (in southern Nepal) found that 4% of sex workers overall were HIV-infected while 17% of those who had worked in India were HIV-positive." "STD and HIV Prevalence Survey among Female Sex workers and Truckers on Highway Routes in the Terai, Nepal." Family Health International, Kathmandu, Nepal 2000. Unpublished.

<sup>9</sup>Zimmerman C, Yun K, Watts C, et al. The health risks and consequences of trafficking in women and adolescents; findings from a European study. London: LSHTM, 20003. <http://www.lshtm.ac.uk/hpu/staff/czimmerman.html>.

<sup>10</sup>ibid.

trafficked across borders or internally into dangerous, unhealthy, and abusive labor conditions, including Thailand's billion dollar commercial sex industry.

As was the case with the women interviewed in the European study cited above, women and girls trafficked into Thailand's commercial sex industry are uniquely vulnerable to violence and exposure to disease, including HIV/AIDS. Thailand's much-praised HIV/AIDS prevention initiatives in the early 1990's which contributed to a sharp reduction in AIDS prevalence within the commercial sex industry appears not to have reached those most vulnerable within it. Health researchers have noted that HIV rates and risks are higher for Burmese sex workers/trafficking victims than for their Thai counterparts. Epidemiologists have reported that the highest rates of HIV infection have been found at Burma's cross border points with Thailand. Those of Shan ethnicity appear to be particularly at risk. In a prevalence assessment done by the Johns Hopkins University, the HIV rates for Shan women were 3.0% overall and 9% for men, among the highest reported in Asia for any ethnic group.

It is a cruel irony that many of the Burmese women and girls who are trafficked into brothels in northern Thailand were fleeing a regime where rape and sexual violence are systemic. Shan and Karen women's organizations have documented thousands of rapes by the Burmese military, which the organization Refugees International has described as using rape of ethnic Karen, Mon, Karenni, and Tavoyan women to control and terrorize those ethnic populations. The Burmese military regime has reportedly forcibly displaced the populations of more than 2,500 villages, displacing more than 600,000 people. More than half of these were forced into government-controlled "relocation centers," while the remainder are in hiding or have fled to Thailand.

Given the extraordinary violence that many Burmese have fled, the Thai government's recent campaign of wholesale deportation of Burmese is itself deeply problematic. In 2003, the Thai government deported up to 10,000 Burmese people each month "informally," and upwards of 400 per month through formal deportation proceedings to military-run holding centers in Burma. This policy of refoolment is an extremely serious violation of international law and is a decidedly inappropriate response to the crime of trafficking.

I would like to make a few brief comments about the Thailand report in the newly-released State Department report on Trafficking in Persons (TIP Report.) First, I wish to thank Director John Miller and his staff for their hard work in writing this year's TIP report. I also wish to commend him for his many efforts that are not as visible as the report but which have nonetheless done a great deal to promote an end to trafficking, provide assistance to victims, and promote accountability for traffickers.

I am particularly pleased that Director Miller took advantage of the new diplomatic tools provided to the executive branch by Congress when it reauthorized the Trafficking Victims Protection Act last year. The new Act's heavier emphasis on law enforcement and tangible outcomes and the creation of the Watch List add to the diplomatic tool kit and heighten the prospect that governments that fail to take appropriate steps will be subjected to economic pressure as well in the form of reduced foreign assistance. It took no little political courage for the State Department to place allies on the Watch List.

I note with gratitude that Thailand, the country with which I am most familiar, has been placed on the 2004 Watch List, which means that the TIP office and U.S. Embassy officials in Bangkok will prepare and release a mid-year report on Thailand. The TIP report notes that Thailand's inclusion in the '04 Watch List is "due to the government's failure to provide evidence of increasing efforts to combat severe forms of trafficking in one area: the protection of Cambodian Trafficking victims, particularly those exploited in street work."

Physicians for Human Rights welcomes attention to this particular problem but encourages the TIP office, the U.S. Ambassador to Bangkok, and other U.S. government officials not to limit their scrutiny to this aspect of trafficking alone. Thailand has significant trafficking problems that are not fully reflected in the TIP narrative.

The Thai commercial sex industry includes thousands of women and girls who have either been trafficked from Burma or have been internally trafficked. In northern Thailand nearly all women and girls in the commercial sex industry are Burmese or ethnic minorities lacking Thai citizenship. The TIP report notes that a single policeman has been prosecuted for complicity in trafficking. The mid-year report is an opportunity to indicate that a much more serious effort must be made in the area of accountability and police professionalism.

I would urge that trafficking in northern Thailand, and particularly the exploitation of Burmese and hill tribe women and girls in that area, be the subject of the mid-year review, and that the arrest, prosecution, and conviction of those involved

in the trade be a key indicator of progress. PHR urges that the mid-year review be a comprehensive evaluation of the Thai government's national anti-trafficking plan, including the implementation of the 1999 Memorandum of Understanding.

I would like to draw your attention to one particular recommendation that Physicians for Human Rights will be promoting at the upcoming XV International Conference on HIV/AIDS to be held in Bangkok next month. Thailand has not extended citizenship to virtually half of its indigenous hill tribe minority people, many of whom have lived in Thailand for generations. This lack of citizenship contributes to impoverishment, discrimination, and lack of education and health care. Anti-trafficking programs supported by the US and other donors have reduced the vulnerability of hill tribe girls and women, but the gross corruption among Thai authorities responsible for addressing citizenship perpetuates their second-class citizenship. Addressing this issue and providing appropriate policing of traffickers and brothel owners who exploit hill tribe women and girls are important anti-trafficking initiatives that the U.S. should monitor in the context of the mid-year report on Thailand.

Mr. GALLEGLY. Thank you, Ms. Burkhalter.  
Ms. Clark.

**STATEMENT OF MICHELE A. CLARK, CO-DIRECTOR, THE PROTECTION PROJECT, JOHNS HOPKINS UNIVERSITY SCHOOL OF ADVANCED INTERNATIONAL STUDIES**

Ms. CLARK. Thank you and I trust that my remarks will reinforce what each of my colleagues has just said.

Mr. Chairman, it is an honor to be here before you and Members of the Subcommittee to address the issue of trafficking and to continue the fight against modern day slavery.

My name is Michele Clark. I am the Co-Director of The Protection Project at the Johns Hopkins University School of Advanced International Studies and in the past year, I and members of my staff have traveled to over 25 countries on five continents to investigate issues of trafficking in persons.

On behalf of victims of trafficking in the Amazon Jungle regions of Peru, all of whom were children, on behalf of the imprisoned east European women who are forced into prostitution through the cabaret industry in Cyprus and on behalf of women that colleagues have spoken to in the prisons in the United Arab Emirates, we would like to thank you for your aggressive and sustained action to move forward and efforts to eliminate modern day slavery.

I too would like to thank John Miller and his excellent staff for their friendship and collegiality over the years, as well as a most excellent report.

Also, I will be brief in my summary of my remarks, but I would just like to say that a lot of work has been done and a lot of work remains to be done.

If we scan briefly the new trafficking in persons report, we recognize that 140 countries are included, up from 116 countries last year, which means that our means of gathering data, scrutinizing and assessing information have really improved.

But that withstanding, we also need to recognize that all the movement, the most significant movement on the report has been downward.

Only 10 countries rose in their rating. Only one country actually went to tier 1. Thirty-seven countries or 27 percent of the countries rated in the report received a lower rating.

I think that is something that we need to seriously look at. Again, factors are complex, but there needs to be a further examination of why that happened.

What can we do? I would like to talk about three broad areas in which we need to focus our attention and our efforts on a global level.

One is the need for aggressive enactment of anti-trafficking legislation, improved legislation, and improved enforcement of existing legislation.

The second is the need for continuing efforts on practical initiatives, which identify victims of trafficking and potential victims of trafficking in countries of origin, destination and transit.

Third, the need to provide greater protection to victims of trafficking, especially in areas of repatriation and reintegration, which as our research and firsthand experience indicates are often the stepchildren of anti-trafficking initiatives.

First, law and law enforcement and in this Mr. Chairman and Mr. Pitts, I think I will touch on some of the questions that you raised earlier to Mr. Miller.

Of the 131 countries on the report, only 68 have any form either of comprehensive anti-trafficking legislation or legislation which addresses anti-trafficking measures within the rest of its penal code.

Interestingly enough, none of the tier 3 Western Hemisphere countries that you asked about earlier, Mr. Chairman, have anti-trafficking legislation or have legislation which specifically addresses trafficking in their penal codes.

These can be addressed. They say that these can be addressed through various statutes regarding slavery or kidnapping, but a focus on trafficking is not present.

None of these countries also have national action plans, which galvanize and seek to coalesce the members of the different ministries, the multi-sectorals, the NGO's together to collectively work towards eradicating trafficking in their countries and there is no record of prosecutions or convictions or sentencing of traffickers in these countries.

Obviously, if there is no legislation, especially a legislation which defines what trafficking is, then how could there be prosecution?

Interestingly enough and to the point of legislation, Mr. Pitts, you asked about children. Many countries in their legislation may talk about commercial sexual exploitation of children, but they limit it to prostitution, for example.

Therefore, if you go into a strip club where girls are dancing, which I have done in numerous countries around the world, this is not considered a form of sexual exploitation. It would be, at best, a violation of a labor law, but it is not considered a form of sexual exploitation and the fact that a manager or a club owner is clearly profiting from the sexual exploitation of these minors is not considered a trafficking offense.

Legislation, which clearly defines what the offense is, must be a very strong priority, as we work with many of these different countries.

This can help in my second point, which is the identification of the victim of trafficking. If a law doesn't identify what a victim of trafficking is in a particular country, if law enforcement or service providers or government officials have not received training on

what a victim of trafficking is, then there will not be rapid intervention.

They will not receive the care and the compassionate treatment that they should be able to receive and many of them will remain hidden and without assistance.

The Protection Project conducted some training in nine countries of Southeastern Europe last December and we were rather surprised to hear comments from many of the groups that we were working with saying, "We have shelters, but the shelters are empty."

Insufficient people. Why? Well, people aren't sure what a victim of trafficking even is yet. So we are funding shelters that stay open with no bodies. Identification and also victim protection, which is my next point, must be conducted with aggressive outreach into the communities where victims of trafficking may be found.

This means that it is not just enough to have public service announcements in the language of a country, you know in the language of the host country, but you have to also start looking at the language of the victims.

We have to identify the conditions, the origins of victims, so that we are able to say okay, we need a particular language. We are a country which speaks French, but what languages do our communications need to happen in?

In countries where Mr. Miller addressed the idea of entertainment visas, the abuse of entertainment visas is something that warrants additional attention and research.

We have seen in Cyprus, for example, that artist or entertainment visas are granted to women for 6 month stays, but what happens is we have interviewed and been part of an interview process of over 50 of these women, and that an entertainment visa is therefore legal entry into the Island of Cyprus, these women are in the country legally, leads to a life of sexual abuse, of serial rape as my colleague said, of curtailed mobility, of abuse, of mistreatment and of virtual imprisonment.

Recognized legal practices can be vehicles for trafficking, if they are not properly monitored and if the individuals there don't understand what a victim of trafficking is.

Law enforcement in Cyprus will say, these women are here legally. They are artists. They are dancing in cabarets. Why? Victims have not been sufficiently identified.

My last point in the interest of time is protection. Protection in countries of destination, but in particular and I just emphasize this, in countries of origin.

When a woman goes back to her country, what is going to wait for her? When I was in Moldova last year, I spent two evenings in the home of a young woman named Olga, who had been trafficked to Israel across the Sinai Desert. She was flown into Egypt, marched across the Sinai Desert by Bedouin traders, exploited brutally in the sex industry of Tel Aviv and Haifa.

She was caught in a brothel raid. She testified and she agreed to testify in the prosecution of her traffickers. There was a sentence.

After that, there was no opportunity for her to remain in Israel so she was to be sent home. Had she gone home, she would have

been sent home with a passport that said, "Arrested for illegal immigration." Worked as prostitute. Two extreme forms of stigmatization that would really have limited her opportunity.

Olga chose to commit suicide and she committed suicide by hanging, which is not frequent in women, because it is a very difficult death for women.

Furthermore, I was in Peru and spent time talking to a woman who had been trafficked to Japan and exploited through the Yakuza gangs and upon return was victimized by government socialist services, by members of the press and media, and by law enforcement, because they really didn't understand what it was that she had been through and there are no services, no facilities, no way of humane, compassionate integration available to care for her.

I would really like to underline the desperate necessity for protection in countries of origin so that when women return to their own countries, their countries say we care enough for you to care for you here. I would also like to recommend that a lot of this should happen through locally funded, local foreign NGO's, because they know the culture. They know their people. They know what it takes.

As a representative of a research organization, I would just like to close reminding you that the Trafficking Victims Protection Reauthorization Act encouraged the need for future research and therefore I believe that research in all of the areas that we have talked about, public health and aftercare protection warrant concerted and additional assistance. Thank you so much for your time.

[The statement of Ms. Clark follows:]

PREPARED STATEMENT OF MICHELE A. CLARK, CO-DIRECTOR, THE PROTECTION PROJECT, JOHNS HOPKINS UNIVERSITY SCHOOL OF ADVANCED INTERNATIONAL STUDIES

Mr. Chairman, members of the sub-committee, I am honored to be here today and would like to thank you for holding this hearing on trafficking in persons, a most egregious form of modern slavery. My name is Michele Clark and I am the co-director of The Protection Project, a human rights research institute located at the Johns Hopkins University School of Advanced International Studies. For the past seven years, we have focused on documenting and analyzing the complex dimensions of human trafficking. We have worked with members of Congress and US government agencies as well as representatives of foreign governments and NGOs to develop sound policy and practice in the war against trafficking and to conduct training, in this country as well as overseas, on the provision of services to victims of trafficking, drafting anti-trafficking legislation and identifying victims of trafficking.

In the past year, Protection Project staff have traveled to over twenty-five countries on 5 different continents, and throughout the United States. On behalf of the many victims we have spoken with in places as diverse as the Amazon jungle region in Peru, the cabarets in Cyprus and prisons in the United Arab Emirates, I would like to thank you for your strong, on-going support of the Trafficking Victims Protection Act (TVPA).

The Trafficking Victims Protection Reauthorization Act (TVPRA), signed into law on December 19, 2003, has proven to be an effective tool in the war against trafficking. This law provides not only for appropriations for the TVPA for 2004 and 2005, but also, through its amendments, enhances efforts to prevent trafficking, protect victims and prosecute traffickers.

I would also like to take this opportunity to thank John Miller and the outstanding staff of the Office to Monitor and Combat Trafficking in Persons for their hard work, and for the excellent 2004 Trafficking in Persons Report issued on June 14, 2004. The report is thorough, well written and highly informative. By including short testimonies illustrating experiences of victims of trafficking as well as acknowledging the valiant work of heroes in this cause, we come away with not only a sense of the policy and programmatic activities being undertaken to combat traf-

ficking; we are also able to glimpse the heartaches and the horrors, the triumphs and the victories, of those who suffer and those who labor on their behalf. Our common mission is about saving lives, and this report helps us to focus on what is needed to accomplish this goal.

#### THE WAR AGAINST TRAFFICKING TODAY

My intent today is to present a bird's eye view of where we are in the war against trafficking, and to provide recommendations on areas that deserve our immediate attention.

We have come a long way since October 2000, when Congress passed the Trafficking Victims Protection Act. Anti-trafficking laws have been passed in countries around the world—but still not enough countries have such laws. Of the 131 countries included in the Trafficking In Persons report, only 68, or 51 percent, have legislation which addresses trafficking. Among those with anti-trafficking legislation, enforcement remains weak. Thirty-three countries, or 25 percent, have adopted national action plans to combat trafficking. However, these are infrequently implemented, owing to a lack of capacity, a lack of resources or a lack of political will. No Tier 3 country has a national action plan to combat trafficking in persons. Funding is being allocated by affluent countries, but many of these funds fail to find their way to small grass roots organizations which are often the most well-suited to provide protection to victims of trafficking once they have been identified through rescue, arrest, or escape.

I would like to elaborate briefly on the Report, because this helps us to gain a quick overview of where countries stand in their fight against human trafficking today.

- This year, 131 countries were included in the report. In 2003, 116 countries were listed. This significant increase indicates that we are doing a better job identifying victims and documenting criminal activities.
- Of these 131 countries, 25 are on Tier 1; 54 countries are on Tier 2; 42 countries are on the new Tier 2 Watch list and 10 countries are listed on Tier 3.
- Ten countries, or 7.6 percent, received a higher rating, moving from Tier 3 to Tier 2 or Tier 2 Watch List. Only one country, Canada, rose to Tier 1.
- Thirty-seven countries, or 28 percent, received a lower rating. Four countries dropped from Tier 1 to Tier 2; 4 countries dropped from Tier 2 to Tier 3; and 27 dropped from Tier 2 to Tier 2 Watch List.

The most significant movement among countries was downward.

The numbers cited above tell us that more intensive efforts are being made to document the scope of the problem of human trafficking around the world—in countries of destination, transit and origin. At the same time, improved documentation indicates shortcomings in the progress of many countries to make serious and concerted efforts to eliminate trafficking in persons.

I would like to address three specific issues where significant gaps remain in advancing a comprehensive, global anti-trafficking agenda. These are 1) the need for aggressive enactment of anti-trafficking legislation and for improved law enforcement; 2) the need for continued research and concerted practical efforts to identify victims of trafficking; and 3) the need to provide greater protection to victims of trafficking, especially in areas of repatriation and reintegration, in countries of transit and destination and origin.

#### 1. LAWS AND LAW ENFORCEMENT

*Anti-Trafficking Legislation:* The existence of good laws, and the enforcement of these laws, plays an important role in a country's ability to combat trafficking. Where there is a recognized legal framework that defines the crime, prevents different forms of trafficking, identifies and protects the victim, and punishes the perpetrators, and where this legislation is enforced, a country can begin to make progress. While we acknowledge that even small legislative measures are better than none, we would like to comment briefly on what constitutes effective anti-trafficking legislation.

Effective anti-trafficking legislation should:

- Define the concept of a victim of trafficking and treat the trafficked person as a victim and not a criminal.
- Recognize the trafficked person as a victim of the crime of trafficking and, as such, entitled to basic or fundamental rights including the right to safety, privacy, information, legal representation, to be heard in court, compensation for

damages, medical assistance, social assistance and the right to residence and to return.

- Address the scope of what constitutes a form of trafficking.
- Recognize trafficking as a serious crime.

*Law Enforcement Activities:*

*Tier 1.* The TIP report reflects that Tier 1 countries are actively pursuing the prosecution of traffickers, utilizing either their trafficking statutes or related legislation to arrest, investigate, file cases and convict traffickers, reflecting a commitment to enforcement of existing laws.

However, some Tier 1 countries are still levying relatively light sentences for convicted traffickers. For example in Austria, while 17 out of 27 persons convicted for trafficking offences during the reporting period spent time in prison, the majority served only a year or less. Likewise in Germany, a large number of convicted offenders received suspended sentences, reflecting the fact that these sentences were originally not higher than two years in duration. In Lithuania, sentences handed down to convicted traffickers averaged between two to three years of imprisonment, and in Spain, the average sentence of trafficking-related convictions in 2003 was cited as 2.4 years.

*Tier 2.* Significantly, a vast majority of countries in Tier 2 are also arresting, investigating or prosecuting traffickers. However, corruption is mentioned in 5 of the Tier 2 narratives as remaining a problem or being investigated as a problem. Law enforcement corruption is one of the biggest challenges in combating trafficking, as corrupt law enforcement officials, working in collusion with traffickers, or utilizing services of trafficked women prevent the effective identification of victims and preclude their ability to access services. Corruption among law enforcement creates fear and reluctance among victims of trafficking to approach the police for help, thereby perpetuating their state of abuse.

*Tier 2 Watch List.* The prosecution record of countries on the Tier 2 Watch List demonstrates that existence of a law is not in and of itself enough to result in punishment of perpetrators and signals that law enforcement remains a problem in many of these countries. While close to 48% of the countries included this year on the Tier 2 Watch List have some type of anti-trafficking legislation, approximately half of these countries are cited as either not having prosecuted any cases of trafficking throughout the reporting period, as having prosecuted only a handful of traffickers while facing a significant problem of trafficking, suggesting a lack in the enforcement mechanisms of existing laws; or as not having maintained any records of prosecutions. For example, Nigeria, which passed a comprehensive anti-trafficking law in June of 2003, has not yet prosecuted any cases under this law. Cyprus, Russia and Turkey, all countries with very significant problems of trafficking in persons have not prosecuted nearly as many traffickers as would be expected commensurate with the extent of the trafficking problems they are facing.

## 2. IDENTIFICATION OF VICTIMS OF TRAFFICKING

The lack of accurate victim identification remains one of the central obstacles to implementing effective anti-trafficking measures. If we do not know the identities, the conditions and the location of victims, we can do little to reach out to them to ensure that they benefit from existing protective measures. The following are key elements which highlight the importance of victim identification:

- Proper victim identification ensures rapid intervention. How accurately law enforcement officials, social service providers, and even Good Samaritans identify a trafficked person will determine how quickly a victim of trafficking will receive assistance.
- The interpretation of trafficking legislation must be harmonized with existing legal provisions related to the issue of trafficking, and which might confuse victim identification.

A legally recognized practice can be used to exploit victims of trafficking.

I would like to cite the example of Cyprus, which authorizes entertainment visas to women of other countries. As of December 2003, according to latest immigration figures, it was estimated that 1,400 foreign “artistes” work in 79 cabarets and 53 nightspots. However, investigations have revealed that the cabaret industry can conceal instances of human trafficking. Women entering the country on legal entertainment visas to work in the cabarets are coerced into providing sexual services to clients and become virtual prisoners of the club owners, their mobility severely limited, their contact with the outside world tightly monitored, and their gain from their activities very small.

To law enforcement officials, however, they remain cabaret dancers or prostitutes and not victims of a crime.

- Proper victim identification helps to ensure compassionate treatment and full access to available benefits. If a victim is not properly identified, she will not be granted any of the benefits, including shelter and protection that a country might provide. Women trafficked overseas from Azerbaijan who have been deported back to their home country and identified as prostitutes are taken to a state run clinic where they are examined and treated if they are diagnosed with a sexually transmitted disease. Because they are not identified as victims, they are not provided with any psychological counseling, nor are they referred to NGOs, which can provide this type of counseling. In countries without adequate anti-trafficking provisions, which include a definition of what constitutes trafficking, government and law enforcement officials tend to proceed according to a law-enforcement and crime control approach, rather than one which considers the human rights of victims of trafficking.
- Without aggressive outreach, many victims of trafficking, especially in countries of destination, remain hidden and without assistance. In December 2003, The Protection Project trained law enforcement officials in nine countries of Southeastern Europe, a region of both destination and transit for trafficked women. During this visit, NGO representatives reported that, while many shelters have been established to house women trafficked to this region few victims have availed themselves of the protective services of these shelters. Reasons cited for this focused on the lack of outreach to victims. Victims in these countries do not know about the shelters, do not feel that they provide adequate protection, and believe that they can do better for themselves on their own.

### 3. PROTECTION OF VICTIMS OF TRAFFICKING

The TVPA provides that “The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate non-governmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration or resettlement, as appropriate, of victims of trafficking.” (Sec. 107(1)) However, victims of trafficking around the world are still not able to benefit from full protective measures in countries of destination, transit and, tragically, in their own countries of origin.

The consequences of insufficient victim protection are vast and have extensive personal as well as policy implications.

- Absent protective measures, victims of trafficking who have been rescued or released from their enslavement will not testify against their traffickers. Consequently traffickers go free, victims live in fear of reprisal, and the cause of justice is not served.
- Absent sufficient protective measures, victims of trafficking will not receive the medical or psychological attention they require.
- Absent comprehensive protective measures in their countries of origin, including shelters and reintegration programs, victims of trafficking will continue to be vulnerable to traffickers and will be recycled into international networks.
- Absent humane repatriation practices, trafficked persons will be revictimized during the process of return.
- Finally, absent centers which provide hope in their countries of origin, women in destination countries, faced with the possibilities of returning home as a criminal, branded as a prostitute, and confronting the same bleak economic opportunities that made them vulnerable to being trafficked in the first place, have committed, and tragically will continue to commit suicide. Countries of origin must be confronted with the responsibility of caring for their own citizens when these women return.

Repatriation procedures leave vast room for improvement in many countries. In one of the countries cited in the TIP report, trafficked women who are arrested during raids are summarily deported, left with no time to collect their personal possessions, contact associates, or seek legal assistance. Law enforcement officials do not interview them in order to determine to what extent they have been victims of trafficking. This process is an affront to the dignity of women who have already suffered extensive abuse and degradation. In other countries, women seeking repatriation assistance from their consular offices in countries of destination find that their new

travel documents identify them as having been arrested for immigration violations, and having worked as a prostitute. These offenses stigmatize the victim and frequently contribute to her marginalization upon return to her country of origin.

#### RECOMMENDATIONS

Based on our analysis of available data and our first-hand experiences with anti-trafficking policies and practices around the world, we would like to make the following recommendations:

- *Enacting Anti-Trafficking Legislation:* Anti-trafficking legislation which defines the crime, identifies and protects the victims, encourages the prevention of trafficking and prosecutes the offenders is a cornerstone in the war against trafficking. Countries, which have not yet enacted such legislation, must be encouraged to do so.
- *Training of Law Enforcement Officials:* In order to ensure the effectiveness of anti-trafficking legislation, we advocate training of law enforcement officials in countries of destination, transit and origin. This training should include understanding of the laws related to trafficking, how to recognize a victim of trafficking and the rights accorded to victims of trafficking.
- *Enhancing Victim Identification Methods:* Aggressive measures must be taken to identify victims of trafficking in countries of destination in order to provide them with information on where to seek assistance as well as the extent of their rights according to the laws of the countries where they have been trafficked. This information needs to be made available in languages of possible victims and placed in locations accessible to these individuals.
- *Training in Victim Identification Methods:* Law enforcement representatives, social service providers, and other individuals who are likely to encounter victims of trafficking must be trained on how to identify victims of trafficking in their country. This training should include a description of the forms of trafficking particular to the region. It should also include a definition of a victim of trafficking as well information on services for victims of trafficking. Training should also include cooperation between law enforcement and the NGO community, so that these two entities can work together on behalf of victims of trafficking. Furthermore, we advocate training in large urban areas as well as more rural communities. We have found that training tends to be concentrated in big cities despite the fact that significant trafficking activity also takes place outside of urban centers.
- *Ensuring Adequate Victim Protection in Countries of Transit and Destination:* Protection in countries of transit and destination should include shelters with adequate safety and protective measures as well as access to social, medical and psychological assistance.
- *Ensuring Humane Repatriation Procedures:* Careful repatriation and reintegration programs are critical in enabling victims of trafficking to regain control over their lives. In countries of origin, protective measures must include temporary shelters for returning victims, decriminalization, and measures to assist with social and economic reintegration. These will include access to job training as well as further educational opportunities for work that is actually available in the country of origin.
- *Funding Foreign NGOs:* Because of their strong community ties, we encourage the funding of small, local NGOs in countries of destination, transit and origin for provision of protective services including shelter, repatriation and reintegration. These organizations tend to be successful because they are known and trusted in their communities. They conduct extensive outreach to trafficked persons and they have few limitations related to the length of stay in their shelters. Because they are local, they understand the complex psychological as well as cultural factors involved in reintegration.
- *Engaging in Research:* Further research is necessary in order to successfully win the war against trafficking and we would like to encourage sponsorship of areas mentioned during this hearing. The TVPRA (Sec. 12A) states that "The President . . . shall carry out research included by providing grants to nongovernmental organizations as well as to relevant United States Government Agencies and international organizations . . . Such research activities shall, to the maximum extent practicable, include, but not be limited to, the following:

“(1) The economic causes and consequences of trafficking in persons.

“(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

“(3) The interrelationship between trafficking in persons and global health risks.

Mr. Chairmen, members of the committee, I thank you for your commitment to this issue and look forward to working with you in the future.

Mr. GALLEGLY. Thank you, Ms. Clark.

I am going to try to expedite my questions so everyone will have an opportunity to get a couple of questions in. First of all, Ms. Burkhalter, has the fear of infection by HIV/AIDS forced traffickers to focus more on recruiting young people, because of the perception that they may be less likely to have HIV/AIDS and transmit that to customers?

Ms. BURKHALTER. I think so. The information is largely anecdotal, because documentation is really difficult about motivation by traffickers, but certainly the notion that buying a very young girl or an inexperienced girl is very much driven by the AIDS pandemic.

This is why even in a country like, I keep going back to Thailand because we have just done a field investigation there in the last couple of months, but even in a country such as Thailand, where there is widely understood norms about use of condoms in the sex industry, for Hill Tribe women and girls who are trafficked into commercial sex establishments, condom use is infrequent because of the perception that they are young or clean.

I think that in fact the HIV/AIDS pandemic is not only a death sentence for women and girls and their clients and customers and the wives and children of their clients and customers, but it also the pandemic is driving the trade in ever younger victims.

Mr. GALLEGLY. Because of your recent activities in Thailand, that is probably very fresh on your mind. I had the opportunity last December to go to Bangkok, after I conferred with my good friend, Mr. Joe Pitts, who spent time in Burma and been in the camps and so on and so forth. I did go to Bangkok.

I went to Chang Mai and I went up to Mae Sot and had an opportunity to meet with Dr. Cynthia and go into camps and hear the stories and as bad as it appeared to be in Thailand, Burma seemed to be light years worse.

According to the 2004 report that we have, the Thai government operates 97 shelters for abused women and children, but there are only four that seem to be focusing on trafficking. Could you give us an idea of what that really means and what needs to be done?

Ms. BURKHALTER. I would commend the creation of safe shelters for all victims of sexual violence, because just a personal aside, the sex industry is not the only place where women and girls are at risk and indeed domestic servitude, which you have just heard Ambassador Miller describe as being the second largest category of victimization in the world of slavery, domestic servitude is oftentimes a very important conduit into the sex industry, where women or girls in domestic servitude are raped frequently by the son of the household or a family member.

Their lives are finished and they often end up in the sex industry. Factories as well. There is a lot of sexual exploitation by fac-

tory owners and men against women who have been trafficked into factories and we found this in Thailand.

But back to your question about shelters, I really think Michele has placed her finger on this interesting conundrum where some of the shelters for trafficking victims were empty and that is because even after all of the work and the international attention and the research that has been done, we still haven't found a way to bring the victims out of slavery and there are very few examples to be pointed to where those few occasions where an organization like International Justice Mission, through their expert police style, prosecutorial style collection of data and evidence results in an intervention that will actually bring a victim out.

For the most part, the millions of victims stay there for their entire lives, which will likely be short. Absent a government's own will to create a police force and the alacrity among their own law enforcement officials to change sides, to switch sides and to enforce the law on behalf of the victims, as opposed to participate in their victimization by protecting the perpetrators, you just are not going to see the shelters full of those who can now receive the care they need to put their lives back together.

Just one final moment. Representative Smith was at an event last night honoring torture victims and those who helped them where I am proud to say my colleague, Dr. Vince Iacopino, was honored for his work with torture victims.

But any psychiatrist or psychologist who has worked with victims of rape or incest or child sexual exploitation here will tell you it takes a lifetime to heal their minds and bodies, bring them to health and the needs of former trafficking victims, women or children, are great.

But you cannot begin to meet those needs until they are out of those circumstances of exploitation and thus, NGO's cannot do this for governments. They can help, as in the case of IJM, but they cannot take on this job of taking on the policing, and the corruption, and the law enforcement that is required, which is why we have all placed such emphasis on this in the trafficking report.

I would note in this regard that the watch list needs to pay particular attention to the number of actual prosecutions, firings of complicit police that will start to turn around the country's own judicial infrastructure, that is the rosetta stone to ending the exploitation.

Mr. GALLEGLY. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman. I have a couple of questions in there that are kind of intertwined. I am going to present it this way: We need to establish partnerships and part of what this report points out is where strong partnerships have been successful in either reducing the amount of trafficking or providing shelter for those who are trying to remove themselves from having been forced into that lifestyle.

We have government-to-government. We have within the government national-to-local laws. Then we have law enforcement.

But there is a key in here that I am kind of looking through the report quickly and I will look at it some more, I think one layer of society that we are missing and I will use Laos as an example.

Laos does not have a civil society. There are countries that are on the tier 2 watch list, which do have civil societies.

What are we doing as a government and what are we doing with our civil society partnerships, I will use Rotary Club for example, to spread awareness, outrage and change within the civil society structures?

I know when I was in Peru, they were very much trying to use their civil societies for economic gains and for improvement and that and in Ethiopia where I was, they are trying to lay the foundation for developing civil societies.

Marriage laws also come into civil society, working with religious institutions. As long as marriage laws are at such a low age for many of these young women, these girls, it makes it harder to really get the outrage going that we need to do that in fact that they still are children.

If you are of marriageable age in some of these countries, at 13, 14 and 15, they are not really viewed as children in the sense that we as a society view them. I think civil society can play a role in doing that.

The other thing that I found very, very important in the testimony is when there is no enforcement of the laws or there are no laws and there are people from either our country or other countries in which we have strong laws against people exploiting children, trafficking of women, there is no prosecution.

We literally have potential predators coming back into our country and where we have moved forward in trying to protect our children from these types of predators. I want to just kind of sit back and listen to a conversation on that.

Then there is one thing that I am going to follow up on for women here in our country. I was very pleased to hear that the Defense Department has a zero tolerance policy for the trafficking of women in our armed services people being involved in that.

I have unfortunately not been able to get an answer back for a zero tolerance policy for the rape of our female soldiers from the Pentagon. Thank you.

Ms. COHN. I will speak to the last and then pass it on to my colleagues. With regard to the child sex tourism and American sex tourists traveling abroad to abuse children in other lands where our laws are strong and do in many ways protect children here, I am, along with Mr. Miller and my friends here, very pleased and appreciative for the passing of the Protect Act in 2003, which actually goes far in granting U.S. Attorneys' offices the authority and the law that they need to prosecute Americans who travel abroad to commit sex crimes and also pleased to announce that there has been at least one conviction, a guilty plea in Washington state for an American sex tourist that traveled to Cambodia.

I know that we have been approached by U.S. law enforcement authorities with the request to provide them any information that we receive of Americans abroad in the countries where we were who were committing sex crimes and we have worked as well with authorities in Canada on some of their predators that travel abroad.

I think that this is a part of the sex trafficking that we can crush quite effectively through U.S. law enforcement and a rigorous enforcement of the Protect Act. So I am pleased with that.

Ms. CLARK. I would like to talk briefly about—

Mr. GALLEGLY. I really hate to interrupt you, but we have literally 8 minutes and I have three folks that haven't had a chance. If Ms. McCollum would—

Ms. MCCOLLUM. That is fine. My staff will stay in touch.

Mr. GALLEGLY. If you would like to present a written answer to this we can make it a part of the hearing to get back to Ms. McCollum or perhaps meet with her after the hearing.

Ms. MCCOLLUM. I think we should do both, Mr. Chairman.

Mr. GALLEGLY. With the unanimous consent, that will be the order.

Mr. PITTS.

Mr. PITTS. Thank you, Mr. Chairman. I have to go to a vote in a mark-up in another part of the building. I will be very quick and I will have to leave and come back.

I want to thank the witnesses of panel two for the excellent work, your powerful testimony, and what you do worldwide on trafficking and to assist the victims of trafficking. It is so much appreciated.

One quick question, Ms. Cohn. What is the weakest link in this whole aspect of prosecution in countries where sex slavery is pandemic? What is the weakest link that we need to do to pressure these countries? Is it police failure to enforce corruption? Is it failure to throw the book at the traffickers? What would you identify?

Ms. COHN. If I could pick two, Mr. Pitts, thank you. I would say that there are situations where the local police may be involved and complicit in the crimes and profit greatly from the brothels, but you may be able to inspire members of the national police who aren't involved or an anti-trafficking squad who isn't involved to perform the arrests and arrest the perpetrators.

If you can achieve that arrest and find that they spend time in jail and aren't released on bail, then you get the very difficult task of pressing a case through from prosecution to conviction. I think that is the weakest link.

Sometimes it has to do with corruption and sometimes it has to do with just simply a broken judiciary where it will take 4, 5, 10, 20 years to take what is not considered to be a significant crime in the eyes of the judges and the eyes of the prosecutor to get that case through court, because the fact is, in most places prosecutions on behalf of the poor and the poor who are victims are not brought forward and only prosecutions for the rich who were victimized.

So if it is a poor women who is trafficked who is forgotten, unless there is an aggressive partnership with NGO's to assist that prosecution to the point of conviction, you can get literally zero convictions in a year in cases in countries where there are millions and millions of victims being trafficked.

I would say at the point of initial arrest you have to avoid the local police who may be involved and then walking through from prosecution all the way to conviction.

Mr. PITTS. Thank you very much.

Ms. COHN. Thank you.

Mr. GALLEGLY. Thank you very much, Joe. Before you leave, I just want to recognize the hard work you have given to this Committee, along with Mr. Smith and others. Your work has been invaluable to me and believe me it is recognized and appreciated by many.

Mr. PITTS. Thank you.

Mr. GALLEGLY. Mr. Smith, if you could help with an abbreviated version, I would appreciate it.

Mr. SMITH. Sure. I will make it very brief.

Ms. Cohn, you mentioned lack of aftercare, limits of IJM's ability to rescue. If you could just touch on, aftercare costs money. There are people here who think that we are at an absorption where you cannot add additional monies, because it cannot be absorbed. I think it is absurd. If you could speak to that.

Thank Gary Haugen again, because he was like a benign broken record saying, look at the police, look at the police. That is our Achilles' heel. Are we doing enough on that, if you could and anyone who wants to touch on that.

If you could, all of you and maybe this is something you can convey to us informally, but you know Mr. Miller rightly pointed out there are missions abroad and Ambassadors in the employ of the U.S. Government who do an exemplary job, but the converse of that is true as well.

There are, I am sure, Ambassadors in missions abroad in tier 2 and tier 3 and watch list countries that probably don't make this much of a priority. It is an asterisk somewhere, where oh yes, trafficking.

Just like human rights traditionally has been the stepchild of modern day diplomacy. Nobody really wants to take it seriously.

If you could, I would like to know from the NGO's where are our weak links with regards to our missions abroad so we can address that. Candor should never be lost in these discussions, because women's lives and children's lives are at risk.

Let me just also say, because I think this builds on something you said, Ms. Cohn, that human rights and humanitarian NGO's, all of you are not used to getting the welcome mat in countries abroad, anything but.

But when the U.S. Government and the Ambassador on down are very much in support of what you are doing and there is a symbiotic relationship there, it seems to me like in Cambodia great results can be realized and again the reverse is true when there is a hands-off. I have other questions, but time does not permit.

Ms. COHN. Thank you, Mr. Smith. On your first point I know Gary would ask me to say this, but I say this personally as well, that I have spent time, met and walked out of brothels with girls whose lives literally have been saved, because of this piece of legislation and because of the aggressive efforts of Mr. Miller's office, but also the Embassies abroad.

That is something you don't see in every piece of legislation, but it is the literal truth of what happens. Because of this law that girls go from a day of being raped to a day of being in aftercare, because this law is effectively communicated on down through the Embassies that take it seriously and that is another issue that I will pass to my colleagues.

On the issue of aftercare, the boy I referred to, Tomas, who was rescued from the Dominican Republic last week was released on Sunday by an aftercare provider because all six boys were released because they were problematic. They didn't know how to keep them and they didn't think they could keep them if they didn't want to be there.

I would say that there is an enormous need for effective aftercare training for aftercare providers. I think no one really knows what is involved in the trauma of girls and boys who have been raped for profit over a series of years. There just isn't enough data out there and I think there is an enormous need for additional aftercare.

Having said that, let me say I have been to countries where the aftercare shelters are empty, because the police haven't rescued any kids. If you have aftercare and you don't have law enforcement getting the children out, you just have empty buildings also.

I hope that sort of touches on just a few of your points. I would love to answer them more fully afterwards.

Mr. SMITH. If you could, yes.

Ms. BURKHALTER. I will do the same. I know you are out of time.

Mr. GALLEGLY. Thank you very much, Chris.

Tom, do you have one last question?

Mr. TANCREDO. Just one. Yes. It will be just one. To what extent can we use resources to change the culture in the countries we are talking about through PR campaigns? I mean change the way people within that country look at the problem. Would that not begin to force a change from inside as opposed to what we are trying to do from the outside?

Ms. BURKHALTER. Just one quick observation there. I would have said it to Representative McCollum, I am very interested in norm change with regard to HIV/AIDS prevention and in the epidemiology of the worldwide pandemic, you can see very important examples of norm change and behavior change and sort of societal intolerance for certain behaviors that are dangerous.

The gay community in the United States for example, itself led norm change efforts that resulted in much partner reduction, safe sex behavior. That made AIDS rates among gay men plummet.

You have norm change in Uganda, where through the leadership and the bully pulpit of the President of Uganda and his wife and others and religious leaders and community leaders, you had a lot of norm change, particularly among Ugandan men with regard to partner reduction, faithfulness, et cetera.

You had norm change in Thailand, with regard to condom use in many brothels, not all of them.

Those are three hailed and good examples of norm change. Regardless of what any one of us may think about any of those behaviors, that is not the subject here. I am talking about how communities themselves and societies and community leaders and Presidents and country leaders helped change norms.

We have norm change in our own country about having sex with children and you can see that norm change can go one way or the other. It can go in the right direction or the wrong direction, with regard to victimization and poor health.

I am very interested in what lessons can be learned, in terms of norm change and how can it be applied towards norm change in countries that have a very bad problem with child prostitution, for example.

How can norm change be promoted? How can norm change with regard to violence and degradation of women and girls be promoted?

I think there is only so much Americans can do to promote norm change elsewhere, but looking at some of those lessons that have been successful in some of the leading countries that didn't have huge resources, like Uganda for example, I think could maybe raise up some lessons.

It is something I want to do and work on as an AIDS activist and a human rights activist and I hope we can come back together in some other forum with a bipartisan look at what helps build norm change that could help protect children and women from sexual degradation. Thank you.

Mr. GALLEGLY. I want to thank all of you. One of the most difficult tasks of being a Chairman is keeping the trains running on time and it isn't easy when you have issues that are as critical as the issues before us here today and when you have as dedicated Committee as we have and the passion that I know you recognize that they all possess.

I want to thank you, Ms. Cohn, Ms. Burkhalter, Ms. Clark for your excellent testimony and the resource that you provide to this Committee.

John Miller, friend for more years than I care to remember, I appreciate all the work that you do and the resource that you continue to be to this Committee and to this important work.

Thank you all for your help and being here today. The Subcommittee is adjourned.

[Whereupon, at 10:37 a.m., the Subcommittee meeting was adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND VICE CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

Chairman Gallegly, thank you for convening this hearing to examine global trends in human trafficking and the State Department's 2004 *Trafficking in Persons Report*. This report reviews the progress that has been made in the fight against trafficking and the many challenges that remain ahead.

The problem of trafficking in human beings in 140 countries is examined in this fourth annual report. While 131 countries were determined to have a significant number of trafficking victims, the efforts of only 25 countries—those ranked on Tier 1—are currently meeting minimum standards to combat trafficking. The majority of the remaining countries—the 96 that are on Tier 2, including those on the Tier 2 Watch List—are making significant efforts to combat trafficking. The ten countries placed on Tier 3 are neither meeting minimum standards to combat trafficking, nor are they making significant efforts to do so.

The Director of the State Department's Office to Monitor and Combat Trafficking, our former colleague Congressman John Miller, stated at the rollout of the report that twenty-four countries adopted new, comprehensive anti-trafficking laws this year. Globally there have been almost 8,000 prosecutions and 3,000 convictions of traffickers. These figures show that the efforts of the U.S. and other governments, international and nongovernmental organizations, and many others to raise the profile of trafficking in human beings as a criminal violation of human rights is beginning to have an effect. However, the staggering number of victims trafficked internationally each year—an estimated 600,000 to 800,000—and potentially millions more trafficked internally within countries, indicates that our efforts still fall far short of holding all perpetrators of trafficking legally accountable. Moreover, the efforts of most governments—including our own—to identify and to rescue victims of trafficking are still insufficient. As a result, the majority of victims remain trapped in this modern-day slavery.

To enhance the U.S. Government's efforts to eradicate human trafficking, Congress last year enacted the *Trafficking Victims Protection Reauthorization Act of 2003* (TVPRA), which I authored along with Rep. Tom Lantos, to reauthorize the *Trafficking Victims Protection Act of 2000*. The reauthorization Act enhances trafficking prevention programs, protections for victims, and prosecution tools. Because the U.S. Government's efforts to combat trafficking are not included in the *TIP Report*, the TVPRA mandates an annual report from the U.S. Attorney General to Congress on U.S. efforts to fight trafficking.

The TVPRA also refined the criteria by which the State Department determines whether a government is making significant efforts to combat trafficking—including by requiring concrete data on criminal convictions and sentences of traffickers—which are well reflected in this report. The TVPRA also created a "Special Watch List" to monitor countries in which the government's anti-trafficking efforts improved since the previous *TIP Report* and to monitor those Tier Two countries that are taking strides to fight trafficking but have inconsistent anti-trafficking records. The State Department will issue interim reports on the anti-trafficking efforts of Special Watch List countries in February 2005.

Since its inception in 2001, the *Trafficking in Persons Report* has evolved with the growing understanding of this multi-faceted human rights violation. I commend the State Department for highlighting in this year's report the plight of children who are trafficked to fight in armed conflicts, trafficking into involuntary servitude, the

disastrous effects of trafficking on public health, and the government corruption that destroys efforts to fight trafficking.

The report also examines the demand side of trafficking, especially through child sex tourism—a despicable crime in which individuals travel abroad to sexually exploit children. In the past, most perpetrators of this heinous activity went unpunished. Fortunately, as a result of the *Protect Act* signed by President Bush last year, federal prosecutors now have a necessary tool to prosecute U.S. citizens and nationals for committing, or attempting to commit, sexual crimes against children overseas.

Another aspect of the demand-side of trafficking, which regrettably the *TIP Report* does not thoroughly address, is the problem in conflict and post-conflict regions where the presence of military personnel, civilian contractors, and other peacekeeping troops fuels the trafficking of women and girls for sexual exploitation. This has been a well-documented problem in post-conflict Bosnia and Herzegovina and in Kosovo.

In May 2002, I led a dozen Members of Congress in calling for an investigation by the Department of Defense Inspector General into reports that U.S. service members in South Korea were creating a demand for prostitution involving trafficked women and girls. Inspector General Joseph Schmitz subsequently issued two reports which identified institutional weaknesses in our military's understanding and response to the crime of human trafficking.

In November 2002, President Bush issued a directive establishing a zero-tolerance policy on involvement in trafficking activities for all U.S. Government personnel and, in January 2004, the Department of Defense adopted an anti-trafficking policy that requires members of the U.S. Armed Forces and accompanying contractors deployed overseas to receive trafficking awareness training. NATO is developing an anti-trafficking policy for all forces serving in NATO-led operations. That policy is expected to be agreed to by the Heads of State at the NATO Istanbul Summit next week.

Vigorous implementation of these policies is essential. It should be intolerable to military and civilian leaders that peacekeepers who are entrusted to protect civilians in destabilized regions are participating in or encouraging human trafficking activities. Instead of restoring the rule of law, those who engage in trafficking activities grossly violate human rights, strengthen the criminal networks that destabilize fragile democracies, and undermine their own peacekeeping mission.

Next week, I will lead the U.S. delegation to the Organization for Security and Cooperation in Europe Parliamentary Assembly's Annual Session where I will raise the issue of trafficking in human beings with parliamentarians from the other 54 OSCE countries. This year I will particularly request their commitment to ensure that the NATO anti-trafficking policy will be faithfully implemented by all states concerned.

Thank you, Mr. Chairman. I look forward to hearing the testimony of our distinguished witnesses.

