TRAFFICKING OF WOMEN AND CHILDREN IN THE INTERNATIONAL SEX TRADE

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BEFORE THE

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INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

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Tuesday, September 14, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND HUMAN RIGHTS,
Committee on International Relations,

WASHINGTON D.C.

The Subcommittee met, pursuant to call, at 1:05 p.m. In Room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) Presiding.

Mr. SMITH. Good afternoon, and thank you for coming to today's hearing. Today's hearing is to investigate one of the modern world's most serious and most widespread human rights problems: The trafficking of women and children for the international sex trade.

Each year up to a million innocent victims, of whom the overwhelming majority are women and children, are brought by force and/or fraud into the international commercial sex industry. Efforts by the U.S. Government, international organizations and others to stop this brutal practice have thus far proved unsuccessful. Indeed, all the evidence suggests that instances of forcible and/or fraudulent sex trafficking are far more numerous than just a few years ago. Every day we read of news accounts of women and girls who are abducted in places as diverse as Burma, Kosovo, and Vietnam, and sold into sexual slavery in countries from Thailand to Israel, from China to the United States.

Part of the problem is that current laws and law enforcement strategies, in the United States as in other nations, often punish the victims more severely than they punish the perpetrators. When a sex-for-hire establishment is raided, the women, and sometimes children, in the brothel are typically deported if they are not citizens of the country in which the establishment is located. Deportation is imposed without reference to whether their participation was voluntary or involuntary and without reference to whether they will face retribution or other serious harm upon return. This not only inflicts further cruelty on the victims, but also leaves nobody to testify against the real criminals and frightens other victims from coming forward.

In order to reverse this cruel and ineffective approach, I, together with my colleague Marcy Kaptur, my good friend from Georgia, Ms. McKinney, and 25 other bipartisan cosponsors, have introduced H.R. 1356, the Freedom from Sexual Trafficking Act. This legislation is designed to protect and assist the victims of sexual trafficking while inflicting severe and certain punishment on the per-

petrators. On August 4th, H.R. 1356 was marked up and reported favorably by our Subcommittee and will be soon moving to the full Committee.

The central principle behind the Freedom from Sexual Trafficking Act is that a person who knowingly operates an enterprise that profits from sex acts involving persons who have been brought across international boundaries for such purposes by fraud or force should receive punishment commensurate with that given to those who commit forcible rape. This would not only be just punishment, but we believe also would be a powerful deterrent.

H.R. 1356 would implement this principle across the board. First, it would modify U.S. criminal law to provide severe punishment, up to and including life imprisonment, for persons convicted of operating such enterprises wholly or partly within the United States.

H.R. 1356 would also prohibit nonhumanitarian U.S. assistance to governments that continue to be part of the problem rather than part of the solution to forcible and fraudulent sexual trafficking, unless this prohibition is waived by the President, and there is a very generous waiver provided in the bill.

The bill also provides victim assistance and protection. This includes grants to shelters and rehabilitation programs for victims of forcible and/or fraudulent sexual trafficking.

It also includes relief from deportation for victims, provided it is established that they really were innocent victims, and that they have not unreasonably refused to assist in the investigation and prosecution of the perpetrators, and that they would face retribution or other hardship if removed from the United States.

The bill also makes clear that trafficking victims are eligible for the Federal witness protection plan and provides them with a private right of action against those who have profited by the harm that was done to them.

Finally, the bill authorizes grants for training for law enforcement agencies in foreign countries in the investigation and prosecution of international sex trafficking, as well as for assistance in drafting and implementation of antitrafficking legislation.

H.R. 1356 has attracted widespread support and enthusiasm from across the political spectrum, but it has also found its share of critics. For example, the Administration and others contend that it is wrong or counterproductive to impose sanctions or even threaten to do so against foreign governments that condone sex trafficking. But nobody really believes that we should never sanction bad behavior by foreign governments. Rather, the question is how bad the conduct has to be in order to merit the sanctions and whether the sanctions are carefully tailored to deter the evils that they address.

I would just note parenthetically, we were late in starting today because there was a vote on the floor dealing with East Timor and the fact that we are encouraging the President, and the language is even weaker than I would like to see, to further distance ourselves with regard to our military cooperation with the Government of Indonesia because of their ongoing, egregious problems with their military and the use of torture by their military, which Cynthia and I and others on the Subcommittee have heard repeatedly on hearings on that question. There are some times when behavior

crosses the line and action needs to be taken, and again, there is a generous waiver contained within this legislation.

H.R. 1356 contains smart sanctions, not dumb ones. It would give the President the opportunity but not the obligation to cut U.S. taxpayer subsidies to governments that condone or support sexual trafficking. There are no trade sanctions in this bill, only limitations on foreign aid. Humanitarian aid is explicitly exempted, and we have adopted a generous definition of humanitarian aid.

Finally, even this very limited sanction against offending governments may be waived by the national interest waiver by the President. Remember, the legislation also authorizes new foreign assistance to governments that are making efforts to punish perpetrators and protect victims. So we provide both carrots and sticks, incentives and disincentives.

We believe this bill provides a more balanced, moderate and flexible approach than a bill that would provide all carrots and no sticks. We give the President all the tools that we hope will be necessary to stop this unspeakable exploitation of women and children, not just some tools, and then it is up to the President to decide which tools he wants to use in each case.

The Administration and some of its supporters also argue that antitrafficking legislation should be designed to stop not only the forcible and fraudulent trafficking of women for the international sex trade, but also other forms of trafficking such as the transportation of workers for sweatshops or other substandard working conditions. I can tell you I sympathize very deeply on some of those important points.

Our bill explicitly recognizes that international sexual trafficking is not the only form of traffic in persons. Innocent people are lured, pressured, and lied to every day all over the world in all kinds of situations, and I take second place to no one in my commitment to ending all labor practices that are coercive, deceptive, or otherwise improper, or even when they involve labor that is not in and of itself inherently degrading.

The problem with addressing all of these evils in one bill, the idea that one size fits all, is that they involve wide range of different situations which may call for an equally broad range of solutions. So we decided to start by attacking the most brutal form of trafficking, I believe, the use of force and deception in the systematic degradation of millions of women and children, and singling it out for swift and certain punishment.

We believe that by focusing on this particularly egregious practice, the forcible or fraudulent trafficking of women and children for commercial sex purposes, we can stop it sooner than if we had tried to address the far broader range of evils. H.R. 1356 is far tougher on the criminals and far more generous to victims than would be appropriate if we were trying to legislate about working conditions in legitimate industries rather than to punish rapists and protect rape victims.

In comparison, even though I know the bill has been introduced, it clearly shows our bill would provide for life imprisonment, which makes it very clear that we are serious. Put these people away, lock them up and throw the key away, seems to me the only way to deal with the question of those who commit these heinous

crimes. I also believe that this legislation to end sexual trafficking will also command a far broader consensus in Congress, among the American people, and around the world, than legislation that would address a much wider range of problems and then do a lot less about them. If the Administration wants to get behind this legislation and then followup with legislation on related issues, I will be there, willing to work with them.

But while we are working on shaping an approach to these other problems and on building the necessary consensus for addressing them, we must not delay even for a single day the effort to save these millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. Forcible and fraudulent trafficking of women and children for the commercial sex trade is a uniquely brutal practice. It is commercial rape, and it cries out for its own comprehensive and immediate solution. We must act to end it now, and I hope that we will have the support as we move this through the House and the Senate.

[The statement of Mr. Smith appears in the appendix.]

Mr. SMITH. I would like to yield to my good friend Cynthia McKinney, the Ranking Member of our Subcommittee.

Ms. MCKINNEY. Thank you, Mr. Chairman. First of all, I would like the thank you for your personal efforts to bring to the forefront this issue of sexual trafficking, a practice that involves tens of thousands of women all around the world. I join the Chairman in his concern for this grave abuse of women and children that has not received the attention it deserves by the Administration or the international community. I truly wish to work with him on curtailing this outrageous activity. The Chairman and I can move this issue to the forefront and work together to develop a viable bill that can pass the Congress and get signed into law.

Women and children are forced into the illegal commercial sex trade. Efforts to place limits on this barbarous practice, as Chairman Smith has so correctly pointed out, has not been successful. This bill is not a perfect bill, but it can be made better as it works its way through the Committee process. However, I do believe that this bill is an important first step in the right direction. I would like the Chairman to know that we are not that far apart on this issue, and I would join him in cosponsoring this legislation.

I am deeply grateful for the testimony submitted by the witnesses today. In particular, Ms. Anita Bhattarai, a survivor of sexual trafficking from Nepal, is extremely courageous to step forward today and tell us her heart-wrenching story. It personally pains me to know that at least four other witnesses were scheduled to testify today but at the last minute backed out. Who can blame them, women who have been forcibly raped are forced to relive the tragedy in order to bring charges against their attackers? The embarrassment and humiliation never go away, even with the passage of time. Therefore, Ms. Bhattarai, I thank you for being willing to share your story with us today so that all the world may know we must act so that your story is not repeated over and over and over again.

Personally I would like to expand the scope of this bill. I have procedural concerns that labor issues are not specifically addressed

in this bill. In certain countries it is a well-known practice to import laborers as servants. The master of the house then proceeds to lift the passport from the employee's possessions, pays them less than the prevailing wage, and in many cases sexually exploits the worker. While in theory this bill would cover this practice, I am not so sure that these particular circumstances are fully addressed. Mr. Chairman, we should have our staffs working together to see what we can do on this one issue to try and broaden the scope of this bill just a little bit.

H.R. 1238, the International Trafficking in Women and Child Protection Act, introduced by Congresswoman Louise Slaughter, of which I am also a cosponsor, addresses some of the concerns regarding slavery and sexual exploitation by employers. We have to look at this legislation and try to see what we can do to address the issue of sexual exploitation of workers by employers.

I don't want to ignore the other victims of trafficking; however, I am of like mind with the Chairman that we cannot develop a broadly scoped bill addressing all issues of international human trafficking that could realistically pass this Congress. H.R. 1356 is a first step, and it is an important first step.

I want to work with the Chairman to protect the women and children, victims of human sexual trafficking throughout the world.

The strengths of H.R. 1356 include a modification of U.S. law to provide severe punishment, up to a life sentence, for persons convicted of sexual trafficking. It addresses the issue of transporting persons across international borders for this practice. It addresses the issue of engaging in the sale of a person for this practice as well as addressing the enterprise of sexual trafficking itself.

On the other hand, my colleagues at the Department of State have told me they oppose the creation of an office for the protection of victims of trafficking. This office will file an annual report on foreign countries that fail to criminalize and appropriately punish international sexual trafficking. While I have concerns about creating a separate office, I would like to ask the Department of State officials how they can address our concerns without the creation of a separate office.

I asked in my previous remarks of August 4th, if there is a creative way to increase our emphasis on this issue without creating more bureaucracy, and I have not had an adequate response from the Department of State on this question. In light of the nonresponse from DOS, perhaps there does need to be an approach similar to the approach followed by our Chairman.

Further, the bill provides victim assistance and protection, provisions for grants to rehabilitation centers and grants to shelters. I support these provisions. The bill limits the deportation of victims to determine whether or not they were forced into sexual trafficking, and this bill clears the way for victims to participate in the witness protection program as long as they cooperate with Federal authorities to break up the organized sex trade rings. These are good points in the legislation.

The Department of State is opposed to the sanctions provisions in the bill. The argument is that it is counterproductive to impose sanctions. In light of the sanctions against Iraq, I find this argument incredulous. The Secretary of State has said that the deaths

of 5,000 Iraqi children each month is a price that she is willing to pay. For what? A nonexistent Iraqi policy? I think all arguments put forward by the Department of State should be measured by this statement by Secretary Albright. In light of the fact that right now the U.S., Japan, and the IMF are arguing for economic pressures to be used against Indonesia, I would like to know what the alternative measures being proposed by this State Department are to eliminate this heinous practice. We should work to put an end to the international exploitation of women and children.

The bill does provide the President with a waiver. The sanctions in this bill do not kill women and children by denying them food and medical aid as is the case with some of our other misguided policy. This legislation, like the Chairman has mentioned, uses a carrot-and-stick approach. We reward those who comply with accepted international standards, and we use very limited sanctions against governments who do not comply.

In conclusion, Mr. Chairman, the Smith bill and the Slaughter bill are not necessarily at odds with each other. I want to offer you this opportunity for us to work together to produce a viable bill. This cause is noble and just. I hope we can work with the Administration to address their concerns, and I have instructed my staff to work closely with your staff on this very important international issue.

Thank you, Mr. Chairman.

[The information referred to appears in the appendix.]

Mr. SMITH. Thank you very much, I say to my friend from Georgia, for your excellent statement and for your good, strong support for this. One of the areas of bipartisanship that goes underreported and underheralded is in the area of human rights. we have worked with you and with your predecessor Tom Lantos, who also was Ranking for a number of years and Chairman of this Committee before me, in a very cooperative way, because we all believe in the human dignity of people. So I want to thank you for your fine statement.

The gentlelady from California, Ms. Lee.

Ms. LEE. Thank you very much, and I want to thank you and our Ranking Member Ms. McKinney for your very stellar and very consistent work on behalf of human rights throughout the world. Let me just say to you that this is an issue that we all have to address and we all have to deal with. People in my district really don't even believe this takes place in the world right now. So these hearings are very, very important to raise public awareness with regard to the whole issue of the sexual trafficking and the abuses that women and children in 1999 are subjected to throughout the world.

I just want to thank you for this bold action, for this bold piece of legislation, and I look forward to the hearing.

Mr. SMITH. Thank you very much, Ms. Lee.

Mr. SMITH. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank and commend you for not only calling this very important hearing, but also introducing legislation that addresses this very serious matter. In the years that I have served with you on this Committee, Mr. Chairman, I certainly want to commend your leadership, and I say outstanding leadership, in our Nation in leading the forefront, the

problem of human rights violations throughout the world, and I think that this legislation is an excellent start. I am sure the concerns raised by our good friend, the gentlelady from Georgia will be addressed accordingly, and there is a lot of time that we can do this constructively.

If I might be so bold, Mr. Chairman, in not taking away the spirit of the hearing this afternoon is we are talking about in this legislation addressing the problems of sex for sale and women and children. I come away very concerned, and I certainly want to thank you again.

Over the years we have been holding hearings about human rights violations in this place called East Timor, and when we talk about if there is none other in the times of war or whenever there is a revolution, whenever there is a military takeover—which, by the way, Mr. Chairman, that is exactly what happened. Twenty-five years ago the Indonesian military came over and massacred, literally massacred, over 200,000 East Timorese men, women and children before they were finally supposedly annexed by the Indonesian Government, and to this day not only does the United Nations not recognize this act by the Indonesian military, but our own country never recognized this takeover that was done 25 years ago. So all of the sudden it seems like, hey, what is happening there? It has been there the last 25 years. We turned our backs on these people, and all these years that we have neglected to face up to the issue.

This is not an Asian issue, Mr. Chairman. It is a human. These people are human beings. They may not be Europeans in Kosovo or in other places in Europe, but they are human beings, and we ought not to forget them.

Again, I commend you for this, and I look forward to hearing from our good friend, the Assistant Secretary, and the associate here, for this hearing this afternoon. Thank you again, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Faleomavaega. I would like to introduce our very two distinguished panelists, and we thank the Administration for making your time available to be here.

First of all, I would like to introduce Ms. Theresa Loar, whom I have known for 30 years. We have been good friends. We went to high school together, and she now is in a very, very important position as Senior Coordinator for International Women's Issues at the State Department, a position she assumed in July 1996. She also serves as the Director of the President's Interagency Council on Women. Previously Ms. Loar served on the U.S. delegation to the U.N. Fourth World Conference on Women, as well as in diplomatic posts in both Mexico and Korea.

I would also like to welcome a man whose reputation preceded him for his work on human rights, Harold Koh. He was appointed Assistant Secretary of State for Democracy, Human Rights, and Labor in 1998. Before that appointment, Mr. Koh served as both a professor of international law and as the Director of the Center for International Human Rights at Yale Law School. Assistant Secretary Koh, who earned both his BA and law degrees from Harvard, has authored numerous articles on international law and

human rights. He is also a fellow Commissioner on the Commission on Security Cooperation in Europe, and it is kind of nice because very often he sits right up here and gets to quiz all the witnesses as well, and does a great job. I am looking forward to working with him on the upcoming Istanbul summit.

I would also like to note for the record that Anita Botti has done great work on this issue as well and previously had testified before the Helsinki Commission, She did a masterful job on the issue, and we are grateful for her good work day to day on that issue.

Mr. SMITH. I am told that protocol suggests Secretary Koh goes first, so I would like to yield the floor to him.

STATEMENTS OF HON. HAROLD HONGJU KOH, ASSISTANT SECRETARY OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, UNITED STATES DEPARTMENT OF STATE

Mr. KOH. Thank you, Mr. Chairman and Members of the Committee, for holding today's hearing on the worldwide problem of trafficking of persons. You should be commended for shining a spotlight on this important human rights issue. Hearings such as this demonstrate the interest of the U.S. Government in combating these egregious practices and send a clear signal to traffickers that they will not be tolerated.

Mr. Chairman, this past July, as you know, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe unanimously passed a resolution condemning sexual trafficking, a success for which you played a very large role, and I applaud you and your colleagues on the U.S. Delegation for your leadership in agreeing to this resolution which urges participating States to punish traffickers even while raising public awareness of the crime of trafficking.

Mr. Chairman, my friend and colleague Theresa Loar, Director of the President's Interagency Council on Women and Senior Coordinator for International Women's Issues at the State Department, has joined me here today to discuss how we can all work together to address this crucial issue. By appearing together we send the message that the entire Administration shares your determination that we must stop those who profit from the tragedy of trafficking, and we must help those who are its victims once again find dignity. This is an issue that has touched my life personally and professionally, both in my work as a private human rights attorney and now as Assistant Secretary for Democracy, Human Rights and Labor.

As you know, as a private refugee attorney I represented thousands of Haitians, Cubans, and Chinese citizens who took the small boat seeking safe haven in the United States. Some of them no doubt were victims of traffickers. I also was co-counsel in New York in a well-publicized case involving a group of hearing-impaired Mexican workers who were victims of a heartless trafficking scheme that was designed to rob them of their money, livelihood and, most important, their dignity.

Since coming to the State Department, I have worked to make sure that the Administration addresses all forms of trafficking. This past March I traveled to Chiang Mai, Thailand, with Sec-

retary of State Albright, where we visited the Hill Tribes Institute which has worked diligently to educate indigenous people and to create economic alternatives to the dangers of sex trafficking.

Mr. Chairman, some of the young girls in that institute were no older than my daughter, who is only 13 years old. That experience reminded me that trafficking hits us so hard because it so often involves children like our own. That so many around the world would resort to the exploitation of innocence for personal and monetary gain must be regarded as one of the most brutal forms of evil that we confront today.

With these children in mind, I present my testimony with regard to this trafficking issue. All too often we think of trafficking as a faceless problem, a criminal problem, an economic problem, an immigration problem, a health problem, but let me speak about it not as a multibillion dollar industry, although it is, nor as an immigration or health problem, although it is also that. Let me speak about it from the perspective of a human rights lawyer who sees in trafficking the very antithesis of the Universal Declaration of Human Rights.

I would argue that trafficking represents one of the most comprehensive challenges to human rights today, for it involves the very denial of the humanity of its victims. Traffickers abuse virtually the entire spectrum of rights protected in the Universal Declaration. By their acts they deny that persons are born free and equal in dignity and rights. They deny their victims freedom of movement, freedom of association, and the most basic freedom to have a childhood. Traffickers profit from arbitrary detention, slavery, rape, and cruel, inhuman and degrading treatment. They regularly violate any human right that gets in the way of a profit. Most fundamentally, they do not respect any of these rights because they view their victims as objects, chattel to be bought and sold as needed.

Trafficking is truly a global plague that may appear in Denver as well as Delhi, in London as well as Lagos. It takes many forms, from forced prostitution to bonded domestic servitude, from coerced sweatshop work to the pressing into service of child soldiers. It involves women and children, yes, but also men, victims from every walk of life, every culture, every religion.

Following my prepared testimony, Theresa Loar and I would be happy to discuss particular examples of trafficking from numerous countries around the world. In my capacity as the Assistant Secretary of State, we present annually country reports on human rights practices, and in the report we presented this past February, we identified at least 60 countries in which trafficking takes place. This was a conservative estimate that represents nearly a third of the countries in the world. But before turning to the specifics, let me get to the broader scope and complexity of the problem.

Practices vary from region to region and according to type of trafficking, as the Chair has noted, but it is possible to make some generalizations about the scope of the problem. Trafficking involves a vicious cycle in which victims are forced or lured from their home countries. They are shuttled across international borders and enslaved, with human rights violations occurring every step of the way. In source countries where trafficking originates, and this can

be in any part of the world, including the United States, victims of trafficking can include men, women and children of every age group, although a majority are women and girls under the age of 25. Some respond to employment agencies fronting for traffickers. Some are sold to traffickers because their families can't afford it. A few are tricked into traveling with so-called family friends only to discover that they have been kidnapped or ensnared into slavery. In almost every situation traffickers prey upon the hopes and fears of their victims. They offer them shelter and sympathy in the case of the runaway, a false way out of debt in the case of the poor, and a false hope of a better life for those seeking transit abroad.

In many cases victims are sent to transit countries where traffickers make it clear that they have no choice but to accept prostitution, debt bondage or other forms of involuntary servitude. Once the person is in the trafficker's hands, the trafficker regularly uses any and all means to ensure their cooperation, including drugs, violence and sexual assault, and threats to the victims and their families. If they have identity papers, the trafficker often seizes or destroys them to ensure compliance, and once money has been exchanged, victims are often told that the cost of transport is greater than expected, and they will have to work for years or months to pay the trafficker back.

Traffickers frequently move victims from safe house to safe house, city to city, or country to country, and once victims arrive in a receiving country, they are often kept in squalid conditions in the state of virtual house arrest. In their world, violence, drugs, and threats about the authorities are part of a brutal, daily routine, and long hours of forced servitude in a brothel as a prostitute, at gunpoint as a child soldier or at a sewing machine as a sweatshop worker. What little compensation comes their way is usually only a tiny percentage of their actual earnings, with the balance claimed by the trafficker to cover so-called costs or to repay so-called loans.

In cases involving prostitution and pornography, victims are forced to continue working regardless of disease, which means that many work throughout pregnancies and despite having contracted sexually transmitted diseases, including HIV. Indeed, the HIV crisis has only fueled the expansion of sex trafficking, with pimps seeking increasingly younger girls and boys in an effort to market them to customers as clean. Health care is nonexistent or provided only by fellow victims, leaving most victims at high risk of further health complications and ensuring that many children born to trafficking victims while in captivity will themselves be trafficked, usually through adoption rings, and thus ensuring that this vicious cycle will continue.

With this background of this vicious cycle of trafficking sketched, let me now turn to the issue of possible legislation, in particular, H.R. 1356, the Freedom from Sexual Trafficking Act of 1999. Mr. Chairman, we could not agree more with your statement before the OSCE Parliamentary Assembly, it is time to aggressively attack this contemporary manifestation of slavery, and there is no other word for it. As my colleague Theresa Loar will testify, our Administration has taken a strong stand against trafficking in persons and has involved many agencies in a cooperative effort to combat the

problem no matter where it may occur, but at the same time we recognize that this Congress, like the administration, has focused greater attention on this horrifying practice than any predecessor.

The Administration strongly supports the bill's objective of combating trafficking and appreciates the efforts of Chairman Smith and the other bill sponsors to try to craft legislation that reflects our shared goals, preventing trafficking, prosecuting those who engage in these terrible crimes and protecting trafficking victims. We are committed to working with you and other Members to fight trafficking through a variety of means, and we believe that joint Congressional-Administration attention will send a strong message worldwide about the seriousness of the U.S. Government effort.

For that reason, we also agree on the need for statutory protection of aliens in the United States who are victims of trafficking and in strengthening our own criminal laws to help bring traffickers to justice. We agree that reporting on all forms of trafficking of persons as a violation of international human rights is crucial to determining the nature and extent of the problem. The first step in deterring trafficking and bringing traffickers to justice is to identify and break the vicious cycle I have described in countries of origin, transit countries and receiving countries.

At the same time, however, we do not believe in reinventing the wheel. In our judgment new reporting requirements are unnecessary and would further burden the already overworked staff members of my bureau's Office of Country Reports and Asylum Affairs, who, after submitting to Congress in February a 5,500-page report, filed an 1,100-page document on religious freedom just last week.

I would argue that the best framework within which the Administration can report on trafficking already exists in our annual Country Report on Human Rights Practices, which is the principal human rights document by which the government reports to Congress and this Committee on all human rights conditions worldwide. By using these existing, well-established and well-respected reports as the method of choice to spotlight the trafficking issue as an important human rights concern, we can ensure that reporting on trafficking will not be marginalized, but rather, fully integrated into our broader yearly human rights reporting.

To expand both the breadth and depth of our coverage in the country reports, I am pleased to announce today that we have made a commitment this year to add a new subsection on trafficking in each of the 194 country chapter reports in 1999 reports under section 6, which is entitled "Worker Rights."

In the same vein, we believe the draft legislation best serves our goal when it consolidates and strengthens existing response mechanisms rather than creates new cumbersome mechanisms in their stead. The draft bills we have seen focus almost solely on trafficking in women and children for sexual purposes, but as I have described, the phenomenon is much broader and is better described as the problem of trafficking in persons.

Moreover, the draft bills choose to address the issue by imposing new reporting requirements, by creating one or more new layers of bureaucracy and creating mandatory sanctions requirements that target government actors. Even private traffickers bear major responsibility for the problem where creation of economic alternatives

to trafficking, not punishment of State entities, is most likely to provide relief for the victim.

Given the scope and magnitude of the problem, I fully understand the temptation to search for a new legislative approach or mechanism to address these problems. The new reporting, new offices and new sanctions are not solutions in themselves, nor do we think they would yield a quick fix for what is a massive and complex global problem. To address the problem effectively, we need to focus on recurring features of the generic problem, to support existing response mechanisms, and then to do everything in our power to break this vicious cycle of human violations that are occurring.

Mr. Chairman, we already have a human rights bureau with a global mandate. As Theresa Loar will tell you, we already have the President's Interagency Council to help coordinate the Executive Branch response. We already have human rights reporting on trafficking, which, as I have said, will be more thorough and comprehensive on this issue, from this year forward. We already have a range of diplomatic tools at our disposal to address the issue, including essentially all of the sanctions discussed in the various draft bills. Most importantly, we already have the political will to address the question.

What we need is not new institutions and new bureaucratic requirements, but sufficient capacity for existing offices that already recognize the problem and have a mandate to deal with it.

The draft bill from the House side appears to be modeled on the International Religious Freedom Act of 1998, particularly its emphasis on mandatory sanctions. But for three important reasons we believe that the Religious Freedom Act represents an inappropriate paradigm for anti trafficking legislation. First, unlike religious persecution which tends to occur within a single country, trafficking in persons represents a transnational problem involving the forced movement of people across borders. As a result, mandatory sanctions targeted against any one country will not likely have the desired impact.

Second, targeted sanctions against specific states are far less effective when the prime moving force behind the problem are not national government officials or policies, but nonstate actors. Traffickers, like their counterparts in international organized crime and narcotics, avoid national criminal penalties by shifting their base of operations across borders to reap the highest level of profit. Trafficking tends to be a bottom-up, not a top-down, problem. The root causes usually rest in private greed and economic and social conditions, not government micromanagement.

When foreign government officials are involved or complicit in trafficking, it is usually at the provincial and local level where the blunt instrument of sanctions has decidingly less impact. Similarly, unlike victims of religious persecution, victims of trafficking rarely belong to organized groups and don't enjoy the protection of established transnational institutions, like organized religion, who are capable of speaking out on their behalf.

As the admirable NGO advocates who will testify later will tell you, there is no corresponding private organization to support the acts of victims of trafficking that can work together with the effect

of sanctions, and without such private institutional supports, the sanctions are less likely to succeed.

Finally, because trafficking is a burgeoning problem, Mr. Chair, as you know from your own work with the OSCE parliamentarians, governments around the world are increasingly concerned about the issue and starting to address it. A great many affected governments want to deter trafficking but lack the resources to do so. But if we implement the legislation as proposed, almost all countries could find themselves in default of some mandatory statutory requirement and, hence, be subject to mandatory sanctions.

A unilateral sanctions regime that targets even those countries who are starting to address the issue could end up discouraging rather than encouraging effective international cooperation and the emerging international regime to address the problem. For example, mandatory sanctions could seriously undermine our efforts to negotiate the Trafficking in Persons Protocol.

In sum, new legislation should not, in our view, focus on developing unnecessary new institutions or establishing onerous new requirements that address only the symptoms and pathology of the problem. Instead, we hope the Congress and the Administration can work together within the Department's existing legislative framework to find ways to address the root causes of the problem and to break this vicious global cycle of trafficking.

We look forward to working with you and other Members of the Committee to identify the most effective means and mechanisms to strengthen our mutual commitment to break this vicious cycle. Thank you, Mr. Chairman. I would now like to turn the floor over to my colleague and your old friend Theresa Loar, who has played such a key role in facilitating the Administration's response on this important issue.

Mr. SMITH. Thank you very much, Secretary Koh, and I put you down as undecided on sanctions, by the way.

Mr. SMITH. We have been joined by on the panel for the by Congressman Tom Tancredo, who has been a very active Member of the Human Rights Subcommittee. Tom, do you have any opening?

Mr. TANCREDO. No statement. I will have questions when we get to them.

Mr. SMITH. I would like to yield to my good friend Theresa Loar.

STATEMENT OF THERESA LOAR, DIRECTOR, PRESIDENT'S INTERAGENCY COUNCIL ON WOMEN, UNITED STATES DEPARTMENT OF STATE

Ms. LOAR. Good afternoon, Mr. Chairman and Members of the Committee. On a personal note, more than 25 years ago, when we walked the halls of St. Cecilia's Grammar School and St. Mary's High School as students together, I never could have imagined that today I would have the privilege and the opportunity to testify in the halls of Congress before my fellow classmate and friend, the Honorable Chairman.

Mr. Chairman and Members of the Committee, my colleague and friend Harold Koh and I want to thank you for the invitation to testify on the problem of trafficking in women and children around the world and the implementation of the U.S. strategy on prevention, protection and prosecution. Of all the human rights abuses to

which the international community has turned its attention, the trafficking of human beings, predominantly women and children, is clearly one of the most egregious violations of our time. The President, the Secretary of State and the Attorney General have all shown tremendous commitment to this issue, having made significant progress over the past year using this strategy.

Mr. Chairman, your efforts to focus attention on this important issue are welcome. Your advocacy during international travel and your consistent attention to the needs of victims will continue to be crucial as we work together to accomplish our shared goals. We look forward to continue working closely with Congress on legislation that will support and advance the U.S. policy framework. As Director of the President's Interagency Council on Women, I see the Council's work on trafficking as part of our government's broader commitment to eliminate violence against women around the world.

As senior coordinator for international women's issues my work on trafficking is a vital part of my mandate to promote women's human rights within U.S. foreign policy. We have been mobilizing the Federal Government to combat trafficking. We coordinate the efforts of various Federal agencies and several State Department bureaus. We have focused on ways to institutionalize the treatment of trafficking and U.S. Government initiatives.

Mr. Chairman, we gratefully acknowledge your efforts in meeting with trafficking victims to deliver a strong message of U.S. support and concern. Members of the Council Interagency Team and I have also met face to face with trafficking victims from countries such as Albanian, Ukraine, Nigeria, Mexico, and Thailand. These encounters, always heartbreaking and at times involving personal risk to the trafficking victims, have only deepened our resolve to use the full force of our government to combat this modern form of slavery.

Today, Mr. Chairman, I would like to share with you information about the nature and scope of trafficking, the three-part strategy of prevention, protection and prosecution, and our work throughout the Department of State and the U.S. Government, domestically and internationally. I will also describe our partnership with the NGO community.

Trafficking in human beings is a form of modern-day slavery. At its core, the international trade in women and children is about rape, abduction, coercion, violence and exploitation in the most reprehensible ways. Although this is sometimes characterized as a women's issue, it is, in fact, a global issue involving human rights, economics, migration, transnational crime, labor, and public health. It is estimated that there are over 1 million women and children trafficked every year, over 50,000 into the United States.

Although this hearing focuses on the sex industry, it is clear that this is merely one component of trafficking. Traffickers themselves are often engaged in more than one kind of trade because they follow the profits. For example, we see cases where girls are lured from villages in South Asia, and the traffickers force some of the girls to work in domestic servitude or in carpet weaving, while others considered more attractive are culled out and sold to brothels.

These are some of the practical reasons why the United States did not limit its efforts to one form of trafficking over another.

What is it that drives trafficking in women and children? Economic desperation. Children, and girls in particular, are pulled out of school early because of financial hardship in a family. This enhances the likelihood they will fall into the hands of traffickers. In many cases, victims desperate for work are lured into trafficking schemes through false promises of employment as teachers, factory workers, nannies, sales clerks. They are then forced into the sex industry or domestic servitude.

For the traffickers it is primarily about high profits and low risk. Profits are enormous, generating billions of dollars annually. This is now considered the third largest soft source of profits for organized crime, behind only drugs and guns.

We are implementing our comprehensive antitrafficking strategy in the area of prevention, protection and assistance for victims, and prosecution and enforcement against traffickers. Secretary of State Madeleine Albright has made the issue of trafficking a priority. We have seen how powerful it is to have the American Secretary of State raise this issue with heads of government and her fellow foreign ministers. She has used her role as Chair of this Interagency Council to mobilize a strong governmentwide response.

As a result of her meetings with several world leaders and in several international arenas, we have developed concrete partnerships, advancing all three of our strategies, all three parts of our strategies. In Ukraine, we have economical alternative programs for victims. We have seen some results, and there is new legislation that has been enacted. With Italy and the Holy See, we are learning from them about protection for victims. With Finland, we are collaborating on prevention in the Baltics. The U.S. and the Philippines will launch a regional initiative in March 2000 in Manila.

We also have several multilateral initiatives. The U.S., led by the State Department Bureau of International Narcotics and Law Enforcement and my colleague Jim Puleo, are leading U.N. Negotiations on a protocol as part of a transnational organized crime convention. This will be an international instrument of cooperation.

As my principal deputy, Anita Botti testified at your June Helsinki Commission hearing, the OSCE is proving to be an excellent forum in which to address trafficking. Your leadership has helped to put this issue high on the OSCE agenda.

In many countries, we are using law enforcement training to, among other things, protect victims. I present to you today training manuals and brochures that have been developed by the Department of State. There are other brochures as well and manuals that have been developed by the Department of Justice.

Mr. Chairman, the issue of trafficking first came to my attention through the advocacy of NGO's in the United States and overseas NGO's, who have been strong advocates. They have courageously convened forums and produced moving documentaries to tell the stories. At the Vital Voices, Women in Democracy Conference in Vienna in July 1997, we met networks of NGO's working under very difficult circumstances in the former Soviet Union and here in the United States. We heard from Ukrainian grandmothers who told us

in tears of their anguish when young women from their villages were tricked into trafficking schemes.

I would like to affirm our intention to continue a close partnership with NGO's as we move forward. Our partnership with the NGO community over the past 2 years has been open and transparent. We conduct quarterly briefings at the State Department on a range of issues, including trafficking.

My colleague Harold Koh has discussed our views on trafficking in detail. I would like to add that the Administration is looking forward to working with Congress to put a piece of legislation that will institutionalize all of our work in place.

We have aggressively led the U.S. Government response in combating trafficking and protecting its victims. Mr. Chairman, we want to work with you and Members of the Committee to do more. We must get the world's attention to achieve a global consensus as we head into the 21st century that trafficking, modern-day slavery, is unacceptable.

Thank you.

Mr. SMITH. Thank you very much, Ms. Loar, for your excellent statement and for the good work you do on behalf of those who are abused in this fashion. I look forward to working with you and Secretary Koh and others within the Administration and my friends on this panel.

Mr. SMITH. Just a few opening questions, and then I will yield to my colleagues for any questions they may have.

If we look at the issue as Secretary Koh or you pointed out, prevention, prosecution, protection, using that as a backdrop as we ought to, are we truly preventing, are we truly prosecuting to the greatest extent possible? Are we providing protection for the victims?

When you look at the competing bills that are on the table, it would seem to me that even a cursory look, but certainly a more detailed look, would suggest that we are not doing all that we can, and, just when you come to the sanctions that are contained in the bills—and I would ask you if you could on the record or perhaps get back to us, indicate whether or not the Administration would support the life imprisonment that we are seeking in this. U.S. Attorneys, as we all know, all have prosecutorial discretion, and they get to pick, to a very large extent, based on their mix of what they feel ought to be done in their area, of course looking for advice and guidance from headquarters, so to speak, as to what they ought to be really focusing on.

We certainly made drugs in this Nation a high priority, and some of the results, particularly in terms of interdiction, are very promising, but it is an ongoing problem. As you pointed out, Ms. Loar, it is No. 3. I have heard No. 2. But wherever it is, it is really high up in terms of the high profits, low risks about which you spoke of.

If the Russian or the Ukrainian or any other Mafia and their counterparts here in the U.S. feel that they are facing a potential slap on the wrist that someone who is deceived into getting into a sweatshop situation, which are horrific—and we have had hearings here, we have had four on the whole issue of child labor and the abuse. I have had five bills myself that I have introduced, one of

which passed the House. Regrettably it did not make it over on the Senate side. We have worked to beef up the ILO contributions. So I really believe that is an area for an all-out assault to try to mitigate that problem, if not eliminate it.

But when you get to this tidal wave—we are facing a hurricane right now, and people are getting ready for a difficult situation. We have a tidal wave that probably could not have been anticipated by anyone in Russia or the Ukraine especially where these Mafiosos have stepped in through intimidation, through high profits, and they are just exploiting the daylights out of these young girls and boys and young women, and it calls for an extraordinary response.

When we start getting convictions in my area, in your old area, New York city, metropolitan New Jersey, Philadelphia and all of the major centers for this exploitation, we will then begin to say crime doesn't pay. If we go with the Wellstone bill and Slaughter bill, and we are talking about a maximum of 10 years, they will look askance when they say this is not a priority with the U.S. Government or with the Congress, which is why I think our central core of this legislation is that we have got to throw the book at them.

I would hope that if you would, if you could relay whether or not you would support—as you know we have a tier each with fraud or deception, but also with girls under the age of 14, it is assumed that those who commit crimes against those women and force them to be raped each and every day, they get life imprisonment or up to life imprisonment, and for those 14, 18 they could get up to 15 years.

So you know, we do recognize for anyone, if there is a 13-year-old being—and as I think you said, Secretary Koh—they are increasingly being used because they might not have sexually transmitted diseases or AIDS. So they are of a higher premium. All the more reason why our response has to be all the more severe in terms of certain punishment.

When we start putting these people away, I think we are going to put a real dent in these operations, and hopefully as we saw, and Tom Tancredo helped out on this big time when we were in St. Petersburg, hopefully we will also see the other Western powers who are the destination points for these abused women, children, they too will pick up the gauntlet and really run with it and the baton.

Let me conclude and yield to you for an answer, that unless we punish sex traffickers more than just a labor law violation, we will not stop this. Again, this is no cast on the Clinton Administration or any previous one. This is something that, again, I don't think anyone could have anticipated. All of us had extremely high hopes for Russia which have not been realized and probably will not be realized in the foreseeable future. So extraordinary crimes call for extraordinary responses.

One final footnote. What got me the most, and I think got all of us, and John Shadduck and others, Secretary Koh, your predecessor, the most about the killing and the ethnic cleansing in Bosnia was, one, the mass murders, but also the use of rape as a means of statecraft, of trying to demoralize the ethnic Bosnians, the orthodox—the Muslims, I should say, by raping and destroying.

Here we have it being done for profit, and, when we were in—and Tom heard the lady from MiraMed, Dr. Engel, tell us that the average woman now fetches—and I hate that word, but that is the word that was used—$24,000 in this process to get into an exploitation and rape in a brothel against her will, $24,000, and that is just the beginning, and then she becomes a money marker for these bums as time goes on.

Life imprisonment, does the Administration support that? Can you support it?

Ms. LOAR. Mr. Chairman, let me say that we agree with you that the bad guys are way ahead of this, way ahead of us because the profits are so enormous, and we agree that penalties must be strengthened to reflect the severity of the crime. This is part of our Administration review of proposals on the best way to address this. I can't give you a definitive answer now, but this is under review.

Mr. SMITH. I do hope, because then the U.S. attorneys in any subsequent Administration will have their marching orders, and they also will self-select and will pick out those cases and go after these people. It should not be left to the whim or caprice of the U.S. Attorney who says, we are going to get 2 years out of this. Life is for drugs, why don't we do it?

Mr. KOH. Mr. Chairman, if I could address the underlying thrust of the question, I think there are many other points that you made just now both about the nature and the scope of the problem with which we obviously agree. I think that we in the Administration have been working hard on an approach that combines reporting, prevention, prosecution, and protection. The big issue, should, from our perspective, is not whether private traffickers get stiff sentences, which, of course, we think they should. We think you should treat them as they are, as criminals. Nor do we deny that this needs to be publicized and the facts need to be gotten out. Also, we do believe that protection for those who have been the victims, particularly by the granting of special visas, is an appropriate way to begin to address the protection problem.

The question, though, as Representative McKinney has pointed out, is to what extent ought the problem can be addressed, by a new layer to a bureaucracy that is already fragmented on the issue of human rights, very strapped with regard to the work that it is already doing and with the use of a mandatory sanctions regime. With regard to governments, governments may not be the core factor or only one of many factors in this complex problem. Many of them are working in a cooperative effort to try to address the problem through developing an emerging international regime.

Those are the issues on which we express hesitation. Although we are well aware that the International Religious Freedom Act combined elements, as I tried to define and set forth in our testimony, what may be an appropriate solution in one area may not be an appropriate solution for a different kind of problem.

Mr. SMITH. Let me just ask you, Secretary Koh, you mentioned being strapped. We are trying to beef up the number of people, personnel that would be deployed or designated to work under your bureau. I do think if it is a matter of personnel, we need to be upping the ante in terms of more people so that this issue could be prosecuted more effectively to help those women.

In terms of the "mandatory sanctions", I think it should be underscored in the record that there is a very generous waiver. This could be more closely compared to the International Narcotics Control Act of 1986, which may be a very difficult pill for the Administration to swallow each year, particularly vis-a-vis Mexico, but it does at least get the attention of the governments in question. Since it would apply to every government, those that are transiting countries as well as those that are originating countries would all be looked at under the same microscope. So in terms of just moving operations, it is less likely if all countries are being looked at in the same way, especially when we are in ascendancy mode with regard to the seriousness of this issue. It is bad and getting worse, rather than the other way around. I think it calls for extraordinary responses.

You did mention it often, the idea that these sanctions are mandatory. There is also this very generous national interest waiver, and we are trying to provide several arrows in the quiver of the Clinton Administration and any subsequent Administration, to say the U.S. Government is so serious about this that when it comes to nonhumanitarian aid, we want your attention. What are you doing? These are your daughters.

When I was in Russia, I met and talked to the Duma speaker and to the Ukrainians and others. They were in denial that this is even happening in their own countries. I said, these are your daughters, these are people that you should be putting sandbags around, to protect them. They just dismissed it as, "Not here, certainly not to the extent that you are talking about."

So either there is complicity, or there is denial occurring there, and one good way to get their attention is to say here are some more arrows in your quiver, Mr. President there is an escape hatch. You have all these things on the table. You can decide to use them or not in order to get an effective outcome.

Mr. KOH. Mr. Chairman, I think my point with regard to our human rights policy, is—and I have made this from the first time I appeared before this Committee in January after the U.S.-China human rights dialogue—we adopt an inside-outside approach, which means we use all of the tools available, both diplomatic persuasion and various forms of external pressure, to try to bring about improvement in human rights conditions. So certainly sanctions are part of that package of tools.

What we are saying here is we have those arrows in our quiver already. Our need here is not so much for additional arrows that on the one hand would be made mandatory and then waived in a process that would consume a lot of bureaucratic energy. Our need is for greater capacity for our existing mechanisms which are seizing the problem and focused on the issue. We are eager to work on it. One of the worst-case scenarios we could envision would be a whole new set of mandates unaccompanied by the resources. Then we would have a situation in which we are doing all of our work less well rather than bringing the kind of targeted approach to bear that we know that we all want.

Ms. LOAR. Mr. Chairman, if I might take a look at the sanctions issue from my personal experience in raising this with other governments and the experience of my boss Secretary Albright. I think

we have created an environment where countries are willing to come forward and ask for help. I have seen this in a number of countries where they clearly have this problem. They are ashamed of it, and they are willing to acknowledge it, and this has started some of the relationships we have that involves very in-depth programs of economic alternatives and training for the border police, fraud training, and anticorruption training. What I have seen in other experiences on other issues is that when a sanction regime is in place, countries clam up. They do not want to work together. They are afraid of being accused of something, and I have seen that with Secretary Albright raising this, offering help in a way that treats the countries as if they want the help, and then they do.

We have really made some progress on this. We obviously have much more to go, much further to go, but it is more than the issue of personnel. I think we also want resources to address this. We have asked for 30 million more in INL training for narcotics and law enforcement. We are looking at a number of prevention programs. Our concern is that a sanctions climate will back-pedal, take us away from the environment where we can raise this in OSEAN meetings and OECD meetings and OSCE meetings. The model you are working toward and that you put in in OSCE is one that encourages cooperation. The people have to open up for it and have to say they want it, and I think we have that climate. If we have been working on this for 10 years, then let us take a look to see if sanctions are necessary, but at this point it is too new, and it is too involving, I think, to lay these on at this point.

Mr. SMITH. Gary Haugen is going to be testifying, the president of the International Justice Mission, and I would just like to read one paragraph from his testimony and ask you to respond. He points out on page 4, "As it turns out U.S. Policy toward a country could have a powerful effect upon the priorities of a Nation's most senior authorities, the authorities who sit on top of local law enforcement's chains of command. Here it must be observed that these public officials will move an issue from the good idea column into the urgent priority column only when they think something bad will happen if they don't. This is why senior government authorities may be pushed to the point of making forced prostitution an urgent priority through a sense that something bad is going to happen in their relationship with the U.S. Government if they don't."

Again, carrots and sticks.

He has certainly done yeoman's work on this issue, as you well know. Look at President Habibie. I mean, it was a nonstarter that the international peacekeepers would be allowed, but when government-to-government, military-to-military was not just threatened but was cutoff or suspended, it certainly got Wiranto's and everyone's attention in the chain of command.

We are talking about tools. They don't have to be used, but they are there to be used, and there is enough warning, enough of a shot across the bow that they are there that you are less likely to use them, I would submit, and I take your point. I am a great believer in cooperation, in trying to persuade, but I can tell you both our personnel in St. Petersburg talked about how they had met with brick walls when raising this issue with the Russians, and the Rus-

sians themselves that we met with, Duma members, including the speaker, were in denial or something worse when I raised it with them and when members of our delegation raised it, and the Ukrainians laughed. One of their delegation heads laughed and said, "prostitutes," as if to say "who cares about them." Even if they are it in voluntarily, we should care about it, but when it is forced, and we are talking about rape now, I think it ought to be at the highest priority. I yield.

Mr. KOH. Congressman, the question is what is the best approach given the resources we have. Here, obviously, our overriding request is for full funding of the Department's budget so that we can address these questions and give them and other human rights issues the attention they deserve. We are convinced that a trickle down approach which imposes sanctions at the top that eventually works down to local officials which then may or may not impact on the incentives of private traffickers who are moving their operations across borders is not necessary the best way to go. It may well be, and our view is that these sanctions are available. The information is available. The tools that you are proposing to give us we believe that we already have, and the question is how do we mobilize those resources best to approach the problem.

Our concern, and I think it is one that Representative McKinney noted, is that the bureaucratic apparatus may end up blunting the effectiveness of our approach, particularly when we are searching for cooperation among countries who are serving as transit, receiving or source countries. Does unilateral sanctions being imposed against any of those actually promote the cooperation we are trying to develop?

Mr. SMITH. I thank you.

Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. You can correct me if I am wrong on this, but it seems interesting to me that the Assistant Secretary in his testimony talks about not having sufficient capacity to absorb the additional requirements of this language, but if I can recall correctly, we boosted funds for the Bureauin the American Embassy Security Act, and the State Department fought us each step of the way. So now my conclusion at that time was that the area of jurisdiction of Assistant Secretary Koh was just not important to this particular State Department. Now, without this legislation, how can we be assured that this issue and issues of democracy, human rights and labor issues in general will be an important consideration in the formulation of U.S. foreign policy?

Mr. KOH. Representative McKinney, if I had drawn that conclusion, I wouldn't be in this job anymore. My view is that these are critical issues that are critically important to the Secretary who has expressed her commitment both on human rights issues centrally and on trafficking issues.

I think you put it well when you said in your opening remarks that this is an issue which involves human rights, democracy and labor, and it ought to be addressed in the context of all of those issues.

The question is raised by your inquiry is to what extent can those parts of the U.S. Government that already have a mandate, focus and an interest in the issue bring that energy to bear in the

way that we all like? Is creating yet another office, another layer of bureaucracy, the best way to approach the question? Is that going to give the kind of energy on the issue that we are all looking for? Our view is that an approach that emphasizes protection, prevention and prosecution, that expands reporting and gives greater support to existing resources and institutions is a better way to go.

Ms. MCKINNEY. It just seems interesting to me that the State Department could fight us giving you more money, and then you come here and say that you don't have enough to meet these additional responsibilities. It just seems that there is a disconnect there, and I cannot understand for the life of me why this State Department would fight giving more money to your bureau, which is doing very important work consistent with the values of the American people.

I believe that takes us directly to Ms. Loar's testimony where she has indicated that there has been a lot of meetings going on. I would like to know what the result of these meetings has been in tangible proof that our legislative approach is incorrect.

Ms. LOAR. The meetings that have gone on, Congresswoman McKinney, have really taken a look at how we work with other governments, which I think was something you suggested we take a look at, how we work in the international areas, how do we work in our own government, and we have had some great successes. Successes mean that governments are willing to take this on; it means they are willing to work with us.

I use the example of the Government of Ukraine because it is an area where so many young women are being tricked into trafficking schemes and are being lured into leaving their countries because of the economic situation there. Through a series of interventions—you could call them meetings, but when Secretary Albright sits down with the head of a government, they are really very important meetings. When Secretary Albright raised it with the Government of Ukraine, with Mr. Kuchma, within a couple of days we had the Ambassador from Ukraine in my office, we had our embassy in Ukraine working with the Foreign Ministry. We have seen legislation passed.

In some countries we have much stronger protection against victims. For example, we have seen this in Italy where the Italian government is way ahead of us and has protections for victims that we don't have. When Secretary Albright raised that at a meeting that she had, within weeks we had visits from the Italians sharing with us what they are doing on victims. We are planning in the next few weeks to send over a group of American NGO's, and if there are NGO's you would like us to consider to part of this group, we would welcome that, and I extend that to the Chairman as well. We are sending over American NGO's to Italy to learn how we can as a government provide better protection for victims.

We are working with the Government of Italy. Another thing that came out of a meeting we had, first Secretary Albright's meetings and the rest of us who pick up her ideas and carry them forward, with the government of Italy was to work with the Italian government on trafficking out of Nigeria. The Italian government is very concerned about the number of Nigerian women and girls, particularly young girls, who find their way through terrible means

into Italy. They are very concerned about that. They want to stop it at the source. So our embassy in Nigeria is working with the Italian Embassy in Nigeria to offer an information campaign to warn off young women.

That is what we are doing with countries overseas. We have had meetings throughout our government for the purposes of getting our government to strengthen what we are doing. Our Justice Department is an enormous place, almost as big as the State Department, and the Justice Department in the areas of the criminal area, in the Violence Against Women's office and the Victim's Protection Office, they are all working on this issue with us. That is the way things work, and I do think that by raising the issue, by having our Secretary of State bring it up in important meetings around the world, we have seen some results, and there is a lot more we want to do.

Ms. MCKINNEY. Thank you.

Ms. LOAR. May I also make a comment, Mr. Chairman, about Congresswoman McKinney's earlier concern about resources and how we get this job done. I think our Secretary of State has an effective mechanism in place. We can never be satisfied with the work that has been done, but in the two positions that exist at the State Department—and we have a number of bureaus who are represented here and who are not here working on this, to really bring the government along. My position as senior coordinator for international women's issues was created by Congress to promote women's human rights in foreign policy. That is a permanent position that allows me to work within the State Department. The Interagency Council is a task force that gives me authority throughout the government. So I don't think it is a mechanism that if we haven't seen all the results we want, I don't think it is for lack of a good mechanism within our government. I think the bad guys are moving at a very fast pace, and that is what we are trying to catch up with.

Mr. SMITH. Thank you, and thank you, Ms. McKinney.

Before yielding, we tried to double the amount of money. As a matter of fact, our—both yours and mine, as chief cosponsor and principal sponsor—bill is currently in conference. We would provide $15 million earmarked for Secretary Koh's bureau, which is a doubling of what resources are there this fiscal year, but still, it is only one-half of a percent of the total State Department budget. So we are trying to provide sufficient resources to you, and wherever the glitch is, whether it be OMB or somewhere else, it is not here. In this legislation we provide $1 million authorization for doing just this very issue. So we are trying to match resources and authorize sufficient resources.

Ms. MCKINNEY. Mr. Chairman, if you would yield. If I remember correctly, the State Department incredibly came to me and said that they would have a problem absorbing that much money.

Mr. SMITH. And they are still opposing it in conference.

Ms. MCKINNEY. It is absolutely ridiculous the position that the State Department has.

Mr. KOH. Representative McKinney, The State Department's position is that we would like our budget to be fully funded. That is the position the President took before the VFW. It is a major issue

with regard to the conduct of our foreign policy. We are a country which is involved around the world on almost every conceivable issue. We are at this point an indispensable super power. The support that we all need from the Legislative Branche is to recognize the importance of foreign policy, as this Committee does, and to try to support the bureaucracies we have and help them to be as effective as possible in addressing we can across our legislative mandate.

Mr. SMITH. It is also a question, if the gentlelady would yield, of allocation, and we do believe human rights is an allocation that should be second to none.

I would like to yield to Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman.

Ms. Loar, apparently from your discussion, Italy is a country that we would not have to apply sanctions against if, in fact—even operating under the legislation that the Chairman has offered. Apparently, the kind of situation that exists there in terms of the government's willingness to cooperate would certainly suggest that that they would not be a candidate, Italy would not be a candidate. However, there are a number of other countries, of course, that are not looking at this issue in the same way and a number of other nations where I believe there is complicity on the part of the government itself and the traffickers, because of the, first of all, great amount of money that can be and is made in this particular activity.

I would ask you to be very specific and tell me what would you do to stop the trafficking from Russia, I should say, and/or the Ukraine. But let us just focus on Russia for the time being. Evidently since you say you had the opportunity to apply sanctions, you have chosen not to pursue that route, and from listening to what you said in terms of the way in which you would deal with this issue sans sanctions, I must admit to you I don't understand how that would possibly work in a country where almost every level of the government is actually participating in this, either directly, frankly, or indirectly, by suggesting that it is really not much of an issue, it is sort of a cultural thing, and no big deal.

When you suggest that you need 10 years to see whether your plan works, I would tell you that I am absolutely unwilling to wait that long to determine the effectiveness of an operation that has heretofore been fairly ineffective, especially when you think about the phenomenon that we were told about, and only told about, I did not observe this, of people who run orphanages in Russia who are paid something like $12,000 and at that point turn over to these traffickers children. They are told they are going on a field trip, to McDonald's or something, and a bus comes and picks them up. You expect me to live with that thought for 10 years while we apply this other way of handling it. I must tell you, ma'am, it just doesn't wash with me.

What would you do specifically to get Russia to turn around tomorrow?

Ms. LOAR. Mr. Congressman, obviously 10 years was something off the top of my head. I don't think any of us in this room should sit by and watch this increased phenomenon of trafficking continue, and we are not going to.

Now a couple of things I would like with the Committee related to what we are doing with Russia. Russia is in many ways a very big, complex, and from a U.S. foreign policy point of view, a sometimes frustrating country. We have, however, made some progress through a program with the ABA, lawyers working in Russia. There is legislation on trafficking that is ready to be introduced by support of members of the Duma, obviously not the people you met with when you were there. We would welcome the opportunity when they are here in the United States on their next visit to give you a chance to tell them of your support. We through our embassy do that, but we would like to do that with our Members of Congress as well, to let them know there are Americans who are watching this carefully, and those of you who are stepping forward and being courageous, we are going to support you.

Now, we know that legislation is the first step. This is one of the reasons we are here in this room today. The implementation will be very important. We have as well through the U.N. worked the protocol that I mentioned, which is part of the Transnational Crime Convention, which will be an international instrument of cooperation, which is a very important part of it, especially when you are looking at a country like Russia, the Russians themselves. This is a completely different ministry and completely different part of the government than the Duma members who are looking at this legislation and ready to sponsor it. They cosponsored this resolution at the U.N. asking for the protocol.

There were some who wanted to lump together trafficking and smuggling and various other issues, but the Russian members of this U.N. delegation asked that they could cosponsor this resolution, and we have seen a willingness on different parts of the Russian Government to work on it.

It clearly is not enough, and it is something we need to do more on, and we would welcome a way of doing that. We don't think sanctions are the way to do that at this point. We have worked with, through our information agency and through other exchanges—we have bought to the U.S. judges and prosecutors and nongovernment organizations all devoted to addressing trafficking. We brought them to the United States. We have sent people over to help them prosecute cases there. There are a lot of different layers and in different parts of the government, the judicial, the executive branch and the legislative branch, but it is clearly not enough, and we don't want to wait 10 years to see some results. We want to move it on a much faster pace.

Mr. TANCREDO. I appreciate that, and I certainly hope that that is the case. In a way it is a little difficult to also understand your opposition to the sanctions aspect of the legislation when, as has been stated here several times, there is nothing mandatory about it. The President would be given the opportunity to provide waivers, and I don't assume for a moment that just because we would pass such legislation he would choose to begin adopting a provision that he thinks or you think he already has, that is the ability to apply sanctions, but it would certainly hopefully indicate the strong position of the Congress of the United States if we were to have that aspect as part of the bill.

It again goes back to the problem, I guess, that I raised with Russia, and that is that even taking for granted that there are members of the Duma who support the approach that you have outlined, when the country is as fractured as this one is, and I mean, it is hard to even describe a legislative branch or a judicial branch, especially, in a country like Russia, it just doesn't give me any feeling of security that they would be able to implement something as a result of the actions taken by the small number of members of the Duma that might look good for the public consumption but internally does nothing, especially when there are so many people on the take. It just seems like a more serious approach needs to be undertaken, but I sincerely appreciate our observations. Thank you.

Mr. KOH. Congressman, our overall approach on human rights has been designed to use a combination of internal mechanisms of persuasion coupled with external mechanisms of pressure, along with international standards, to try to bring about internal change that can lead to concrete means of addressing these problems within the countries that we deal with. The larger, more powerful countries are the ones on whom our sanctions have the least impact just because they are much stronger and bigger.

The example of Ukraine which you have talked about is one in which we are seeing some real results on this issue. The President has developed an intergovernmental response to address the issue with the Government of the Ukraine. The issue has been added to the Gore-Kuchma enforcement working group. It has been a subject of direct discussions between our Embassy and the Ministry of the Interior. USAID has worked with the Government of the Ukraine on anti-trafficking issuues. USIA has developed a whole series of programs with the Ukraine, and what this has led to is that the Ukraine Government has passed further legislation with regard to domestic criminalization of sexual exploitation. In February Ukraine announced a draft national plan that involved 20 Ministries and local governments, international organizations, donors and local and foreign NGO's.

We are pursuing these kinds of initiatives with a whole range of countries, as we have discussed, and I think in the end it is a critical part of our overall human rights strategy. It means using external standards to lead to internal change that might lead to meaningful attack on the problem by those countries that are either source countries, recipient countries or transit countries.

Mr. SMITH. Thank you, Mr. Tancredo.

Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman. I appreciate hearing from you both with regard to the Administration's initiatives and strategies with regard to what you are doing now, but it seems to me that the heat needs to be turned up. I want to ask you a couple of questions.

First of all, how long has this country really known about sex trafficking? Second, since this is a commercial activity, do we have estimates of how much revenue these atrocities bring in? I mean, is this a multimillion-dollar industry? Is it a multibillion-dollar industry?

Finally, let me just ask you about this whole certification issue, because drug certification has been an effective tool in cracking down on drug trafficking in some parts of the world, and I guess I am wondering shouldn't we be as tough on those private sector individuals and those governments who condone these abuses and exploitation of women and children as we are on the whole drug trafficking issue?

Ms. LOAR. Congresswoman Lee, it is an incredibly lucrative crimal activity. It is one of the things that through our new and very effective information-gathering resources available to the government, we have been able to take a look at it. We estimate it as billions of dollars in profit, which is why it is such a tough thing to tackle, I am afraid.

As to how long our government knew about this, I was appointed to this job in July 1996, and I was invited to a meeting in Moscow that—this is one of the fora I mentioned took such courage to put together—where I was invited. Our embassy had really pushed me to come out there. They wanted me to meet with some Members, including some Members of the government who were very low-key about their interest and their willingness to look at this, but at some NGO's, some groups from throughout the former Soviet Union, and that was in the fall.

I mentioned the Vital Voices, Women in Democracy Conference in July 1997 in Austria where we had women leaders from Russia and Ukraine and where we saw for the first time real networks emerging in that part of the world, networks with people who are working and NGO's in protection areas in Ukraine and Russia. I don't think the enormity of it hit us until we heard more and more from NGO groups in our meetings around the world, and we have seen this in U.N. meetings.

I would say that our desire to take this on and to really get the full force of our government on this came out of our meetings with victims and hearing from people whose villages were wiped out because girls were being sold away.

Ms. LEE. It sounds like we have just had our head in the sand on this.

Ms. LOAR. I will tell you, what we have seen is a big increase after the fall of the former Soviet Union. It is something I think we were all aware of and has been documented in South Asia and Southeast Asia. I think it hit home when the numbers coming into the United States really increased in the last few years and when we saw more visible areas of criminal activity in the former Soviet Union.

Ms. LEE. Mr. Chairman, may I ask one more question, please?

Let me ask you then, we have heard Nigeria, Italy, and the Soviet Union. What are, say, the top eight countries, the top source, transit and receiving countries as you see them?

Ms. LOAR. Russia and Ukraine are certainly the top source countries, countries of origin from the former Soviet Union. I can't name the eight or in any particular order, but in South Asia a country that that one of your witnesses is from today is one of the key source countries as well, Nepal, as well as Pakistan. In Southeast Asia, the areas of Burma and Thailand are also sending countries. I think if you take a look at situations where there is economic des-

peration and deprivation, that is where you see families who are desperate, and families who can't keep their girls in school, and families looking to send their children overseas or young women looking to go overseas to work.

Ms. LEE. Maybe we ought to look at some conditions on IMF funding.

Mr. KOH. Congresswoman, if I may chime in, I think as Chairman Smith pointed out in his statement before the OSCE in July, a lot of the problem was exacerbated by the collapse of the Soviet Union. Our bureau, the Bureau of Democracy, Human Rights and Labor, started to report on trafficking as a distinctive human rights phenomenon in 1993.

You asked a good question about the relationship between this and narco-trafficking. We use a certification process for drugs, and so why not on this as a way of turning up the heat. I think the answer is simple, which is that what we are talking about here is a regime of prevention and prosecution, but more fundamentally the protection of individuals who are being trafficked.

In the drug context you have drugs which are growing in stationary places. They are not themselves being moved, and we are not trying to provide them with any kinds of protection. But the key to what we are trying to do with regard to trafficking of human beings is to develop a protection regime, and particularly in situations in which people are traveling across borders and often through a variety of means, which include fraud, et cetera. It is not as simple as knowing that you are buying drugs and that is illegal.

What is happening here is a combination of incentives, tricks, frauds, coercion. For that reason, as we have suggested, religious freedom requires a certain kind of regulatory regime. The drug process has had its own certification process which has evolved over a period of 20 years. We think that the fight against trafficking should move toward an international protocol and an international regime. It deserves its own distinctive set of tools, which is what we are already doing in the Administration approach to the problem.

Ms. LOAR. If I might just add, Congresswoman Lee, just going further on the point that I made earlier as to how we started looking at this. Women's human rights were not always in the mainstream of U.S. foreign policy, and I don't think the issue of trafficking—as it emerged, it came out of a time when we did have leadership to take a look at this and did have leadership of Secretary Albright to figure out how it should be done. So it is not a long-standing issue at this level and growing at this pace, but it has come up at a time when we do have the leadership to address it.

Mr. SMITH. Ms. Lee, thank you very much.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I certainly want to thank both the members of the panel for their very comprehensive statements this afternoon.

I would like to compliment Secretary Koh for being very diplomatic. I was going through your statement, but you did not leave that one final statement to the effect of the Administration does not support H.R. 1356. Am I correct on this, Secretary Koh?

Mr. KOH. Sorry, I didn't hear you. I left it out of the statement, or I left it out of what?

Mr. FALEOMAVAEGA. You were very nice about saying about you have all the different institutional means to take care of whatever problems that come about, especially as it relates to sex trafficking, but I was hoping perhaps that you could be more specific and say what exactly is the Administration's position on H.R. 1356, which is the Chairman's bill, which I cosponsor, in addressing this very specific issue, and I was wondering, has the Administration submitted an official response to the bill?

Mr. KOH. There are pieces of the bill, as I said, which provide valuable additions to working on the problem, and other parts that we think are either redundant of what exists or in some way counterproductive. As we frequently do, when the Administration approaches and various congressional approaches all address the same issue We see it as an important opportunity to get together with Congress, and try to work out issues on agreed-upon principles.

There are a variety of legislative proposals on the table, and as you well know, the process of legislation is one which means drawing from them to achieve what we think is the best result to address the problem that we all agree ought to be addressed.

Mr. FALEOMAVAEGA. Mr. Secretary, I thank you very much. Now I have a much clearer picture that we will be working together, because the concern that I have, and as I was asking my good friend, legislative counsel here, do we have currently any U.S. laws in the books that address this very issue of sex trafficking? If we do, my question is, is it strong enough, is it too weak, do we need to beef it up a little bit?

Ms. LOAR. There are a number of laws on the books that handle different parts of trafficking. There isn't anything that we think is comprehensive enough or strong enough across the board to address this. It wasn't a long-standing issue here in the United States. It wasn't a long-standing issue to the degree that it is now internationally. So we do not think there are significant enough pieces of legislation and laws that address this.

Mr. FALEOMAVAEGA. I noticed in your statement, Ms. Loar, that at minimal, that nearly or well over 1 million women and children are affected by sex trafficking. Out of this, 50,000 of those women and children are affected here in the United States. In doing so, what does this give you? It gives me the impression that 950,000 women and children out in the world, we have got some very serious problems with foreign countries. Apparently, we are dealing with 50,000 that come to our country, but what are we going to do with the 950,000 women and children that are being affected in other countries of the world?

I think this is the reason why we raised the question of sanctions. I duly understand and appreciate the fact that some of these countries don't have the resources, but if we don't be very aggressive on this very issue, then what do we do, just let the 950,000 go?

Ms. LOAR. We are overwhelmed by the number, and we do think it is a tragic number and a number that is increasing all the time. But what we are doing is to work with those countries that are the

countries of source, the countries of origin, the countries of transit, and in some cases, the countries come to us and ask for help. In other cases, our Secretary raises it because she sees an opening, she sees a willingness to take this on.

There are a number of countries where there this is a long-standing issue, but they have never had the modern tools of technology, the Internet and open borders to facilitate this criminal activity. So in some cases it has really crept up on countries. They have not seen this coming, but when they do, in more cases than not, they want to work with us, and they want our help.

The United Stated is not alone in caring about this issue and in responding as a government at the very high level. We have partners in this in the Nordic countries, in the European Union. Serious funding countries with significant overseas assistance programs have come forward to work with us on this, and we are going to continue to do that.

Mr. FALEOMAVAEGA. I think the Chairman, as well as the gentlelady from Georgia, raised this issue previously. I get the strong impression from both of your testimonies that the Administration has the institutional means to do it, but at the same time sounds like you don't have the tools to do it with. You don't have the handles, you don't have the bullets, no triggers to pull or not enough resources. Am I getting a double signal here? Are you certain you have got the means to do the work? With all due respect, my personal admiration for Secretary Koh is going to be in this position, come next year or some other time, maybe we won't have another Secretary Koh that is as aggressive and knowledgable about human rights violation and issues. So where do we go from there? That is the reason why this proposed bill, I think, has a lot of merit, and I would certainly hope that our friends in the Administration would be supportive of this effort.

Mr. KOH. Congresswoman, before I was a bureaucrat I was a professor focusing on issues of international law and issues of international regime-building, which is the area that is the solution to this problem. We have a transnational problem that has to be addressed by global cooperation, reinforced by treaties, protocols, national laws, changes of institutions, and by aggressive diplomacy, as well as aggressive advocacy. It is that process of building that global regime which is the process that we are trying to do now.

Our position is that we need more resources to help us with the tools. The question is, does another layer of unilateral sanctions, mandatory or waiverable, which would be used against those who are trying to participate in the regime, serve as an additional tool that we should use?

Mr. FALEOMAVAEGA. I know my time is running. Has the Administration taken any initiatives to call for an international convention of countries to agree on this very egregious—it is a multibillion-dollar industry. Has the Administration taken the initiative to do this very thing that you are talking about?

Ms. LOAR. Yes.

Mr. KOH. There is a protocol.

Mr. FALEOMAVAEGA. Where are we at with this protocol at this time?

Mr. KOH. We are working on the process of negotiating it.

Ms. LOAR. I would second what Assistant Secretary Koh has said. The protocol is a very powerful instrument, and our chief negotiator is right here, Jim Puleo. He is dying to tell you the kind of progress that has been made on that. It is a forum. The U.N. Has taken this seriously. The United States is taking the lead on this, but we had a lot of partners on this.

Mr. FALEOMAVAEGA. How long have we doing this protocol proposal?

Ms. LOAR. How long has it been in negotiation? In January of this year, the U.S. introduced it with Russia as cosponsor.

Mr. FALEOMAVAEGA. So we just started this year then.

Ms. LOAR. Within this Transnational Crime Convention, which is a particular instrument to look at how to combat crime internationally, the U.S. has decided to take a look at trafficking separately, not to have it hidden within other areas or have it buried under some other area.

Mr. FALEOMAVAEGA. I think my question is specific. The protocol is specifically of sex trafficking; am I correct?

Ms. LOAR. It is on trafficking in all its forms.

Mr. FALEOMAVAEGA. Can we just look at sex trafficking just on its own, or do we have to put all other trafficking together?

Ms. LOAR. Our view is that it is very hard to separate one from the other.

Mr. FALEOMAVAEGA. My problem is that once we put them all there together, then we find problems with priority. Then if you have got 10 different trafficking issues, where does sex trafficking come into focus, or does it focus at all?

Ms. LOAR. It does cover both. It does include that in it, Mr. Congressman.

I would just say going back to your issue of resources, as the lead in the U.S. Government on this, I certainly would welcome more resources to the issue of trafficking, but I don't think that the fact that this issue hasn't been resolved around the world is from a lack of commitment from this Administration. We have seen the increase in this as we learn more about the issue and get more estimates from our community and the government to provide this kind of information to us. In 1995, we spent over $7 million around the world. Next year we are moving it up to 20 million out of our foreign assistance budget at the State Department. That doesn't count the work and the programs that come out of Department of Labor and the Department of Justice and other communities within the U.S. Government that spend very significant resources on this issue, but we haven't solved it, clearly.

Mr. FALEOMAVAEGA. I note in your statement the three pillars of U.S. policy on sexual trafficking on the question of prevention, the question of prosecution and the question of protection. My question is, what is the current status of our laws that addresses these three specific issues domestically? Are our current laws strong enough to take care of these three areas?

Ms. LOAR. No, they are not.

Mr. FALEOMAVAEGA. That is one question. The second question is—they are not? Thank you very much.

The second question is, in terms of prevention, prosecution and protection, where is the Administration's position in terms of our

external problems in dealing with those countries that either don't care at all, or if the proponents, they don't have the resources, that maybe we could help them, give them the resources?

Ms. LOAR. As far as our domestic legislation is strong enough, it is not, and that is why we have worked—our Department of Justice——.

Mr. FALEOMAVAEGA. Could you please offer your recommendations on behalf of the Administration to our Chairman and see exactly how we can beef up our current laws so that we make sure that these 50,000 victims, women and children, are going to be addressed aggressively by our policymakers as well as our prosecutors? Then maybe the other 950,000 women and children, we will have to address that issue in some other way.

Ms. LOAR. We will continue do that.

Mr. FALEOMAVAEGA. Thank you.

Mr. KOH. Congressman, might I add that with regard to the question of whether the laws strong enough to protect the victims, that is where we favor visa relief for victims of trafficking. Are they strong enough with regard to punishing private traffickers, we agree that stiffer sanctions are appropriate.

Where we are disagreeing is with regard to the question of whether a mandatory sanctions regime and a special office is the best way to go. There are good things in this bill, and there are things that are not so useful in terms of what we are trying to accomplish. We will submit comments for the record with regard to the revised draft protocol. A convention for the suppression of traffic in persons was entered into force in 1951, but as the scale of the problem has gotten much worse in the 1990's, there has been a new international treaty-making effort. The last negotiating session was just concluded on July 9, 1999. We will submit for the record both the text of that protocol and a description of how that process is moving.

Mr. FALEOMAVAEGA. Appreciate that.

[The information referred to appears in the appendix.]

Mr. FALEOMAVAEGA. Mr. Chairman, I know my time is up, but I do appreciate some of the things that we have taken in our dialogue, and I really do look forward to working together with the Administration to resolve this. This isn't just 10 years. This problem has been ongoing for the last hundred years, and I think it is time we ought to take care of it. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Hilliard.

Mr. HILLIARD. I have no questions.

Mr. SMITH. Thank you.

Just to conclude, unless any other Members have some final questions, we could ask questions until the sun sets and still not be done, and we will submit a number for the record, but I do have a few follow-up questions I would just like to pose.

I would like to focus on the area of providing protection for the women so they do not face immediate deportation, both for their own benefit to avoid going back to a retribution situation, and also so that they might then be available to become part of a prosecution or at least evidence gathering. The Wellstone bill, although it tries to parrot us on some of the things, we all know the genesis of it. We spread our bill around all over the Hill, and that bill came

up pretty much as a weakened version of our bill. It would only provide a 3-month temporary residency type of deal for those women, and it would seem to me, just standing in their shoes for 1 second, that if I am just looking at a 3-month stay, and maybe it will be extended, maybe I can apply for asylum, maybe, I am going to be very hard-pressed to say, I am going to now cooperate. You already have a potential mistrust of authority figures to begin with. They may wonder, for example why New York City police are any different than the police in their own countries. They don't know who talk to who and where there might be collusion. So our bill would provide a more durable protection for those women where they could become permanent residents, and we would provide a mechanism for that.

Again, we are erring on the side of protection, rather than being less than generous and skimping in what we provide for these women. They have already been through hell and back. Why not provide some safe haven?

Can the Administration support our language, or does it have a recommendation that would perhaps be better? We would like to strengthen it further if you have a way of doing that. I would yield to either of our two distinguished witnesses.

Mr. KOH. We prefer to submit comments on the bill as a whole, but I do think with regard to the protection regime, you make an extremely good point. The case that I worked on as a private attorney regarding the hearing-impaired Mexican workers who gave testimony against the people who had trafficked them ended up with them eventually getting immigration relief, but it was through a process of recommendation through the Justice Department prosecutorial forces that went over to the INS . It may well be that a scheme that relies on a legislative protection as well as what has been called the T visa is a more appropriate means to deal with that, as well as more fully elaborated means of protection. But the focus on protection is an important one that I think we strongly favor in all our approaches on the issue.

Ms. LOAR. Mr. Chairman, I have just confirmed that the Department of Justice does have its own language developing in areas of protection. It is one of the areas that they have stepped forward on. They are working on that.

Mr. SMITH. I hope they can provide that.

Ms. LOAR. We will provide information on that.

Mr. SMITH. As soon as possible if that can done. Maybe this would be for the record, but we need to know to make an informed decision and also to persuade our Members, House and Senate, as to why this cries out for reform. The number of prosecutions, what kind of prison sentences the international pimps are getting, if there is any kind of guidance that has been provided to the U.S. attorneys in terms of how prioritized this is in the arsenal or in the list of bad behaviors that are out there, if you could provide us with that. I am not sure if you have that now, but that would be very helpful.

Ms. LOAR. We will provide that, and the Department of Justice has done training manuals that our Interagency team has worked very hard on to help prosecutors prosecute cases. So we will provide that for the record and followup.

Mr. SMITH. I appreciate that. We provided money in this for aid for foreign shelters, also for domestic shelters, under the auspices of HHS. We are not sure if $10 million is right. We are not sure if $20 million is right. I always believe you need to justify need with resources to marry up the two. Any insights you could provide into what could be done with that money so it is used effectively, again erring on the side of protecting the women, mostly women, although there are some boys and men that are involved who are abused, but most of these are women and young girls. I would be glad to hear if you or my colleagues have any further comments on that.

Again, I want to throw the book at all traffickers, but there are gradations of egregious behavior, and rape is at the top. It seems to me that the other aspects of going after the traffickers are fine, so long as they are in addition to but not in lieu of these penalties I have serious concerns about the Wellstone-Slaughter bill because it is seen as being in place of. So in other words, no life imprisonment, up to a 10-year ceiling max per charge for those who commit these crimes, and again, we will get fewer of those folks in the end, and we will have less protection for the women.

Again, not to overstate, but Gary Haugen's statement when he talked about "good idea" versus "urgent priority" abroad, we all know how that works. I have been in Congress 19 years. I know when you get the attention and when you are just going through talking points, and they are sitting there listening, and, it is not as high of a priority that it could be possibly.

Again, not to belabor the point, but I think at least having the possibility of sanctions looming would help—whether it be "good cop, bad cop", phrase it any way you want, "Congress made me do it." It does give, I think, any Administration more clout rather than less.

In terms of the office, and I said this yesterday to a group, and I didn't elaborate on it much, and I won't now, but there are so many different offices. We need a FEMA. We have got a hurricane coming up our coast, FEMA goes into action. As Ms. Loar pointed out so well, this is a relevantly recent explosion. Mr. Faleomavaega, as you know, this was going on for how many years, but now organized crime has said, hey, this is a major profit-maker for us, and we can exploit the poverty of these young women to the extreme, and then they are throwaways when they have been abused in this fashion. So we need a FEMA office, so to speak, to stop this rape. So I just encourage you to keep that in mind.

Mr. KOH. Congressman, we appreciate the authorization, but if the appropriation doesn't follow, we have the obligation to establish and run new office and pay for it out of our present budget.

Mr. SMITH. I would also ask that the Administration then make requests for it, like on the religious persecution bill. Mr. Wolf, who was one of the prime originators of that legislation, and our Subcommittee, which took the lead in moving that legislation, were very discouraged when the money wasn't asked for. So it is a two-way street. I don't blame you or Ms. Loar for some of this. I think some of this is OMB. I am not sure where it happens, but we can be team players on this, I think.

Ms. LOAR. We thank you for that spirit of cooperation. We need that as we move ahead.

Mr. SMITH. Thank you. Any further comments?

I want to thank our very two distinguished witnesses who are spending their lives trying to do good for others, and I look forward to working with you in the near future.

I would like to invite our second panel to the witness table, and I would also like to remind our broadcast journalists in particular, as we previously discussed, if they could be sure not to broadcast identifiable images of Ms. Bhattarai, because she still faces some dangers of retribution for her testimony. We would note for the record, as I think one of my colleagues pointed out earlier, at least one of our other witnesses or victims decided not to come out of fear as well. So even at this point, we are still dealing with people who are willing to come forward, but have second thoughts about it, and take their names off the witness list because of that fear. It just underscores what we are talking about.

I would like to begin by introducing our witnesses in the order that they will testify. Ms. Anita Sharma Bhattarai is a survivor of sexual trafficking. Drugged and abducted from her home in Nepal, she was transported to a brothel in Bombay, India. Since her release, Ms. Bhattarai's testimony has resulted in the release of six other forced prostitutes and the incarceration of sex traffickers.

Second, we will be hearing from Laura Lederer, who is the Director of The Protection Project of the Women and Public Policy Program at the Harvard University Kennedy School of Government. A graduate of the University of Michigan and the University of San Francisco Law School, she has worked and written on human rights and exploitation issues for over 25 years and has provided a tremendous wealth of information to this Subcommittee as well as to the Commission on Security Cooperation in Europe, which I also chair, on what is going on, and what the responses ought to be to this rising tide of exploitation.

Finally, Gary Haugen is the President of the International Justice Mission, an international human rights agency that addresses cases of human rights abuses referred by workers in faith-based ministries around the world. An honors graduate of Harvard University and the University of Chicago Law School, Mr. Haugen previously served as a Senior Trial Attorney with the Civil Rights Division of the U.S. Justice Department and as the officer in charge of the U.N.'s genocide investigation in Rwanda.

Mr. SMITH. Ms. Bhattarai, if you could begin your testimony.

STATEMENT OF ANITA SHARMA BHATTARAI, TRAFFICKING SURVIVOR, NEPAL

Ms. BHATTARAI. [The following testimony was delivered through an interpreter.] My name is Anita Sharma Bhattarai. I am 28 years old, and I am from Nepal. One day I boarded the bus to go to Daman where I had to collect some money, and I met one man and woman who were on the bus and who also offered me a banana. After eating the banana, I felt very dizzy, and I told them, and they gave me some medicine and water, and after taking that medicine I became unconscious.

When I gained consciousness, I didn't know where I was. There were long buses—that she is referring to as trains—long buses, and then I asked her where I was, and why I was brought there. Then they told me not to make any sound, not to scream, because they had strapped hashish, drugs, around my waist, so I couldn't even call the police or just shout for help because I was so scared. I couldn't return from there, and so I just listened to them, and he told me—the man told me that we were going to Bombay, and that would take about 5 days, and after reaching there he would sell the hashish, and we would get $20,000 rupees each.

After reaching Bombay, one lady came and met us at the station. The man told that lady to take me with her to her place, and that man also assured me that he would come and pick me up at 4 o'clock in the evening, and so I went along with that lady, who was called Renu Lama. So at Bombay I went with her to her house.

Upon reaching the house, I then realized that it was a brothel, but later on in the evening, when men started coming in, I got to know that it was a brothel, and they forced me into prostitution after that, and on the 3rd day I had to take in my first client. I wasn't at all ready to do it, but that man stripped off my clothes, and he also went and told the brothel owners that I wasn't complying to his wishes. The brothel owners came and hit me with the iron—metal rods and also slapped me, and so I had to entertain him, but since I was aware of the diseases that the girls have been telling me also in the brothel, so I also told him to put on condoms. So that was the first time I was in prostitution, and after that I had to take in like about 2 to 4 men per day.

I am telling the story in a very short way, but it will take a really long time if I have to go on and on. But from the day I entered there, I just started thinking of running away from there, and 1 day I succeeded, and with the help of Bob, I have been able to also come here and share my stories with you so that you could also help other girls like me who are still in brothel. I am really proud to see that I have been able to help about 7 to 8 girls with the help of Bob from IJM.

Thank you.

Mr. SMITH. Thank you for your testimony and for your courage and your willingness to relay your story to this Subcommittee and, by extension, to the rest of the Congress. We are indebted to you, and we will do everything we can, I can assure you, to try to stop this horrible practice.

[The statement of Ms. Bhattarai appears in the appendix.]

Mr. SMITH. Dr. Lederer.

Ms. BHATTARAI. I am ever ready to help you to do anything if you can help other girls.

Mr. SMITH. Dr. Lederer.

STATEMENT OF LAURA J. LEDERER, RESEARCH DIRECTOR AND PROJECT MANAGER, THE PROTECTION PROJECT, HARVARD UNIVERSITY, KENNEDY SCHOOL OF GOVERNMENT

Ms. LEDERER. Mr. Chairman, Members of the Subcommittee, it is a pleasure to be here. I am Laura Lederer, Director of The Protection Project at the Kennedy School of Government, Harvard University, and I am happy to share some of our preliminary findings.

The purpose of The Protection Project is to build a comprehensive data base of laws and related materials on the commercial sexual exploitation of women and children. We are documenting the laws on child prostitution, child pornography and prostitution and surrounding activities, including pimping, pandering, procuring, maintaining a brothel, corruption of a minor, forced prostitution, trafficking, slave trade, kidnapping, rape and other laws in all 220 countries and territories worldwide.

We are also documenting the age of majority, the age of consent to sexual relations, legal age for marriage and other ages relevant to commercial sexual exploitation of women and children, and we are examining the range of penalties, defenses to the charges, sentencing patterns, extraterritoriality and extradition treaties, law enforcement capability, victim assistance programs that are government-mandated, and other related matters. The collection of the data is taking place through a series of questionnaires, and the preliminary data base will be complete by the end of this year.

I am going to talk a little bit about what trafficking is by telling the stories of some women who have been trafficked. Trafficking is a global human rights problem of which the majority of victims are women and children. Let me illustrate what trafficking is by telling you Lydia's story, an amalgamation of several true stories of women and girls who have been trafficked in the Eastern European area in recent years. Lydia was 16 and hanging around with friends on the streets, and here you can fill in the name of any of the sender countries, the Ukraine, Russia, Romania, Lithuania, Latvia, and the Czech Republic, when they were approached by an older beautifully dressed woman who befriended them and told them that they were so nice-looking that she could get them part-time jobs in modeling.

She took them to dinner. She bought them some small gifts, and when dinner was over, she invited them home for a drink. Taking that drink is the last thing that Lydia remembers. The woman drugged her, handed her and her friends over to another agent, who drove them unconscious across the border into, and here you can fill in the name of any of the receiver countries, Germany, the Netherlands, Italy, the Middle East, even as far as Japan, Canada, and the United States.

When Lydia awoke, she was alone. She was in a strange room in a foreign country. Her friends were gone. A while later, a man came into the room, and he told her that she now belonged to him. I own you, he said. You are my property. You will work for me until I say stop. Don't try to leave. You have no papers, you have no passport, you don't speak the language. He told her if she tried to escape, his men would come after her and beat her and bring her back. He told her that her family back home was in danger. He told her that she owed his agency $35,000 of which she would work off in a brothel by sexually servicing 10 to 20 men a day.

Stunned and angry and rebellious, Lydia refused. The man then hit her, he beat her, he raped her. He sent friends in to gang rape her. She was left in the room alone without food and water for 3 days. Frightened and broken, she succumbed, and for the next 6 months she was held in virtual confinement and forced to prostitute herself. She received no money. She had no hope of escape.

She was rescued when the brothel was raided by police. They arrested the young women and charged them with working without a visa. They arrested the brothel manager and charged him with procuration, but he was later released.

They did not attempt to arrest the brothel owners or to identify the traffickers. The girls were interviewed, and those who were not citizens of the country were charged as illegal aliens and transferred to a women's prison where they awaited deportation. A medical examiner found that Lydia had several sexually transmitted diseases. In addition, she was addicted to a potent form of cough medicine. She was physically weak. She was spiritually broken. There was no one to speak for Lydia. She feared the future because she knew her keepers. They had networks, they had the power, they had the resources to track her down, to kidnap her and bring her back again. She knew they could hurt her family, and they had an interest in doing so. Because unlike drugs where the product can be sold only once, when you can modify a human being, she can be sold over and over and over again. The risk is low, the potential profits are high, and girls like Lydia are a real target.

There was no one who seemed to care about Lydia's life. The authorities didn't have the resources or the interest in tracking down the organizations of individuals in the trafficking chain, from the woman who drugged Lydia to the agent who brought her across the border, to the agent who broke her will, to the brothel managers and brothel owners. In addition, some corrupt law enforcement officials were obviously involved because the process of getting Lydia and her friends across the border and keeping the brothels running involved payoffs to local visa officials, to police in the country of origin, to border patrols for both countries and local police in the destination country. Lydia is without protection. The traffickers have bought theirs.

Now, take Lydia's story and multiply it by hundreds of thousands, and you can get a picture of the scope of the problem. UNICEF is estimating that 1 million children are forced into prostitution in Southeast Asia alone and another million worldwide. An estimated 250,000 women and children in Russia, the Newly Independent States, Eastern Europe are trafficked into Western Europe, the Middle East, Japan, Canada and the United States each year. An estimated 20,000 children from Central American countries such as Guatemala and El Salvador are being trafficked for purposes of commercial sexual exploitation.

You have the figure from the Department of State of over 50,000 women are trafficked into the United States, and then there are the countless thousands of women and children in Africa and Central and South America and other countries where we have very little information on the scope of the problem.

Of the 155 cases of forced prostitution that were brought to the courts in The Netherlands, 1 year, 1996, only four resulted in convictions. Thousands more have not been brought to the courts at all. The accounts of arrest that police have made in North America show that women are being sold for as much as 16,000 to brothel owners. When the rescued women tell the stories of debt bondage and sexual slavery in which they are forced to work off $10-, $20-, or $30,000 debt bonds by servicing dozens of men a day, these

numbers and the accompanying accounts illustrate the trafficking of women and children for the purposes of prostitution has become a contemporary form of slavery, and the numbers may soon be on par with the African slave trade of the 1700's.

The reason The Protection Project is documenting the laws of individual countries is because trafficking is international, but all of the laws addressing the problem are national. There are virtually no international laws with enforcement capability. The United Nations conventions, such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and the other conventions, can play an important role in setting international norms, but they do not have any enforcement capability by themselves, even when the countries adopt them into their Constitutions.

The countries have to draft and pass penal code statutes that specifically address each of these commercial sexual exploitation issues if they want their law enforcement people to have tools to arrest, charge and prosecute traffickers. We have found that countries often tell us that they have adopted such and such convention, and so they have taken care of the problem, and they don't go the next step, which is to actually, draft and pass those statutes.

I don't know that I need to go over these three P's, the prevention, prosecution and protection. I do agree that those are three necessary ways to attack the problem. I just want to say that if you take any one alone, it is not going to work. So if you have lots and lots of protection programs like Italy is doing, but you are not vigorously enforcing, you are not prosecuting, you are just doing a mop-up job. So it has to be all three at once or it won't work.

I will just conclude by saying that trafficking often originates in countries with poverty and few opportunities for women and few laws to prosecute traffickers, but that is not the only thing. It is true that economic deprivation is part of it, but there is also a large demand, and if there weren't that demand, I think there wouldn't be as much of the kind of kidnapping and abduction and trickery and deceit that we are seeing. We have to deal with that demand issue as well as with the fact that, that the women and children may feel like they need to do this, or that their parents may be selling them into it. There are all those customers on that other end there that are creating the need for the supply.

Based on our preliminary findings, we expect the trafficking will continue to increase in the absence of specific enforceable laws aimed at prevention, prosecution and protection. As someone who has worked in this field for 20 years, it is exciting to see this Subcommittee's work and leadership on this important issue, and I am happy to see it recognized as a major human rights priority. It is time to move beyond the conferences and the meetings and the seminars and the expressions of shock to a coordinated effort to criminalize the conduct of these interlocking rings of businessmen, these modern mafias, these corrupt government officials.

We are the people who can help the young women and girls like Lydia. We can draw attention to their plight. We can help nations strengthen their laws and ultimately find the ways to prevent and protect young women and children from commercial sexual exploitation.

I can tell you from where I sit, many countries are looking for leadership from the United States. U.S. leadership is important not only because of our human rights role, but because it serves the American national interest. One of the hallmarks of the 21st century is going to be the emancipation of women worldwide, and the issue of commercial sexual exploitation of women and children is one of the last, unfortunately the last, even in the women's movement the last, of the issues, but definitely not the least, to be examined by our society. So your efforts, Mr. Chairman and Subcommittee Members, will put America on the right side of history as women gain power and dignity.

Thank you very much.

[The statement of Dr. Lederer appears in the appendix.]

Mr. SMITH. Dr. Lederer, thank you for your comprehensive testimony, but even more than that, for your daily commitment and the information you provide. You not only have the right instincts, but you also chronicle and systematically deal with the issues so that it leaves very little room for making mistakes, and I think the more information we have and the more we create real policy with regard to prevention, prosecution, and protection, and doing all three in tandem, which you have admonished this Committee to do, the more apt we are to have real success at the end of the day. The information that you have been giving to the Subcommittee and to the Helsinki Commission for many, many months now has been of tremendous worth, and I want to thank you publicly for that.

Mr. SMITH. Mr. Haugen, I would like to ask you to present your testimony.

STATEMENT OF GARY A. HAUGEN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, INTERNATIONAL JUSTICE MISSION

Mr. HAUGEN. Thank you, Mr. Chairman. I would indeed like to thank you for inviting me to participate in this panel, but more than that I would like to thank you first for inviting Anita to share her story. I am sorry that other victims weren't here. I am afraid it is almost impossible for you as members of this panel to understand just how far away this room is from where women like Anita, and children who are trafficked sexually into forced prostitution, how incredibly distant and far this place is from the living hell where they live every day, and there is no way for us to engage this without understanding their story. I am very grateful for you making that possible.

I believe the American people are compassionate people, and they will hear Anita's story, they will hear the story of those 950,000 others that you mentioned, Congressman, and over time, it may not be today but tomorrow, sometime later, the American people will hear the story, and they will respond. It would be wonderful if that began here today.

Let me just explain, I am serving with the International Justice Mission as its director. International Justice Mission gets cases of human rights abuses referred from faith-based ministries overseas. Churches deploy tens of thousands of workers overseas to do humanitarian work and mission work, and they see abuses in the field, and they turn to us to deal with them.

One of the things that they are increasingly burdened by is the plague of forced child prostitution, forced prostitution that includes the trafficking of victims across international borders. We are not public policy experts. We are active in the field. We go into these areas. We use criminal investigators to infiltrate the brothels. We use surveillance equipment to detail where the children are being held, and then we work with trusted police contacts in these countries to get the victims out, and Anita represents one of those wonderful stories that this is a life worth extending heroic efforts for in order to give her a future.

I had not intended comment at all upon the Administration's testimony today, but I did want to say one thing and that I believe the power of words is overwhelming in these arenas, and I believe, unless my hearing was off, that I think Assistant Secretary Koh and Ms. Loar managed to get through their entire testimony without saying the word "sexual trafficking". It is hard and ugly to say and to distinguish it because it is indeed about rape which, as a former lawyer at the Department of Justice, we, understand rape to be sexual intercourse without consent.

We have in criminal law the notion of assault, but we don't consider it sufficient that we don't also have a notion of sexual assault. We have a notion of child abuse, but we also have a notion of child sexual abuse. There is trafficking, but there is trafficking for sexual purposes. Our agency has dealt in the South Asian subcontinent where Anita comes from, and we have worked to release hundreds of children from bonded slavery, but on top of the bonded slavery, it is as if those children or women are then raped. That is the reality, I think, that Americans will be continually ready to need to confront, and it would be wonderful for our leadership in Washington to take bold, courageous leadership in recognizing the facts.

Because one of the victims couldn't be here today, I want just as part of telling the story to just give you a few facts from her experience, a 17-year-old girl named Jayanthi from India, who was sold into forced prostitution at the age of 14. She was drugged, abducted off a train, sold into a brothel. She was held in a windowless room for 3 days and beaten with iron rods, plastic pipe, and electrical cords until she agreed to have sex, and then she proceeded to have to have sex with about 20 customers a day over a 3-year period and was forced to have three abortions over that time. Fortunately through the work of our operatives we were able to identify where she was, get her out of that brothel, and now she is receiving good aftercare, but she is an emblem, I must tell you, of thousands and thousands of women and children, which, if you cared to go with us to any of these places in the world, we could purchase the opportunity to rape a woman or girl for you with a very small number of dollars. The numbers are overwhelming and should be a matter of urgent compassion of the American people.

What have we learned about the way this works from trying to deal with it in the field? The international sexual trafficking is driven by what is permitted within the country that allows forced prostitution. The men who trafficked Anita into India, they weren't worried about whether or not there would be someone who would buy her once she got there. They were motivated by a complete sense of confidence that if they could get her into the country, there

would a flourishing business of forced prostitution that would willingly buy her. They wouldn't receive her with a sense of, oh, my goodness, don't bring her, you forced her, we don't know what to do with her, we will get into big trouble if we do that. No. There is an overwhelming sense that this is the way things operate, and there are not very serious sanctions available.

We have learned, therefore, because international sexual trafficking is driven by the flourishing trade in forced prostitution, one must do something about forced prostitution. Forced prostitution is about coercion, and therefore, it can only be dealt with if we impact law enforcement on the streets. It is amazing how impervious brothel people are to international covenants, U.S. policy, everything else, unless it makes its way down to the street and affects their conduct toward that brothel.

There are three things that impact law enforcement on the street: political priorities of the people in the senior chain of command, because that works its way down to the street. But even if that is a priority, you can't do anything about it unless there is clarity and comprehensiveness of law. So then you need clear and comprehensive law. Third, you need resources and training so that law enforcement on the street is effective.

We see law enforcement on the street regularly pick up their bribes. You can set your watch by it. We know that police have to bribe their way within a jurisdiction in order to be assigned to a red light district because that is where they can make the most money. We see police delivering food to the brothel so the brothel keepers don't have to let the children out or the kids out to get food. There is in many situations tremendous complicity. So you are not going to do anything about forced prostitution which provides the magnet for international sexual trafficking unless you affect law enforcement on the streets.

This is why it is, from the U.S. policy perspective, we believe, a carrot-and-stick approach. These sticks do, in fact, affect what the priorities are of the senior leadership. This shifting from the good idea to an urgent priority is usually moved by a sense that something bad is going to happen. Then you can make an urgent priority, but if you don't have clear law, and if you don't have a supportive relationship with law enforcement that trains them and resources them, you will not be effective. That is why all the work we have done overseas, we have done with positive law enforcement relationships, because we cannot get the children out of the brothel without the man who brings the force of the State.

Finally, you need to provide a safe environment for those who are trafficked. There are indeed a mind-numbing number of women and children around the world who are sexually trafficked. I think it was Stalin who said that the murder of a single person is a tragedy, but a million deaths is a statistic. I hope that the statistics of the hundreds of thousands of women and children who are raped for rent will not become blurred through us, and I hope that the Committee hears Anita's story, uncovers the other stories to be told, and takes decisive action so that history will judge us well in our response.

Thank you, Mr. Chairman.

[The statement of Mr. Haugen appears in the appendix.]

Mr. SMITH. Mr. Haugen, thank you very much for the truly life-saving work that you and your organization do for people like Anita. It certainly is inspiring to hear you speak and to know of your work. Thank you for giving us some additional information and a moral imperative to act upon to try to get not just this legislation, but any other legislative policies and fixes that could advance the cause here.

When we talk about prevention, prosecution and protection, obviously part of the protection side is healing both spiritually and bodily, mind and soul, and I think you know one of things that I or the Administration asked was how much more money do we put forward here. Whether it be made available to faith-based organizations or to others in a competitive grant situation, whatever, it certainly seems to be a paltry sum compared to what the real need is out there. This whole idea of the collusion of the police forces, that whole culture has to change, and that is one reason why we believe and why I read your quote to our two previous witnesses to try to get a response in terms of "urgent priority" versus "good idea".

We have got to get them to snap to and know that we are serious. There is a waiver provided for the President in the bill. It is very generous waiver, but it gives him tools, we believe. If any of you would like to comment.

One thing I do find disturbing in the Wellstone legislation, which is, for want of a better word, a competing substitute to our bill, is that it was written in a way to try to diminish the efficacy of our bill, to do less and suggest that it is more because it covers a larger area. But it seems to me, like you pointed out, Mr. Haugen, that we are talking about rape, we are talking about a situation that is bad and getting worse, and while we can approach and attack all trafficking, it seems to me that this one is at the very top, and should be, of any prioritization that we have.

I mean, this is mass rape. It was a war crime in Bosnia. It is no less of a crime against humanity in New York City or Philadelphia or Washington, D.C. It is a crime against humanity and against individual women like Anita who have to suffer its cruelty.

So perhaps all of you might want to comment on whether or not we are proceeding down the right path by focusing on sexual trafficking. That is not to diminish the outrage that we all feel about other kinds of trafficking. But again—like I said to Ms. Loar and Secretary Koh—if it is offered in lieu of, and we get a substitute with a 10-year ceiling in terms of punishment for perpetrators, that is a weaker substitute. That is a dilution of our efforts, not a strengthening.

Ms. LEDERER. I think I can speak safely for many women's organizations when I say that they would believe that sex and labor aren't the same and can't be equated. They need to be separated, and if we deal with sexual trafficking and deal with labor trafficking, I think that is the right approach.

Mr. HAUGEN. Of course, again, from the perspective of operation in the field, without real broader public policy expertise, we certainly do as law enforcement professionals treat crimes that involve nonconsenting sexual activity as being a special and distinct crime. Now, it seems to me a rhetorical trick to try to say that because

there are distinctive features to a certain kind of crime that it is somehow unfair pleading to name those distinctives, treat them differently, focus upon them and deal with them; to suggest that those who support that are somehow trying to diminish the pain and suffering of those who suffer from different kinds of crimes.

It is hard for me to know why someone would even suggest that we would want to treat specialized problems as if they did not have distinctive mechanisms, as if they did not have distinctive outcomes, as if they did not have distinctive consequences.

As I mentioned, we work as an organization focused on problems of abuse of child labor, and that is only one issue, and we have seen hundreds and hundreds of children delivered from that, and it is an incredible thing. To see, for instance, the millions of children who sit and roll beedie cigarettes or sit in some other menial task, it is a crippling and horrible thing. But to not treat what would happen if in that context they were also raped? In the context of their forced labor, to not treat that as a very serious problem and then also not to deal with the enormous sex trade problem—it is ugly to talk about, but there is an enormous trade in sex in the world, and it has a huge monetary impact on people who then will abduct, defraud, coerce other people to be sold into that market. They are motivated by the power of the dollar, and the dynamics, I think, are worthy of focus.

Mr. SMITH. Let me ask, in your experience, is support by government officials in sending, receiving, and transit countries a major part of the problem, and what can the U.S. do about such support? Specifically, would you favor assistance to governments in efforts to enact effective antitrafficking laws, punish traffickers, and protect victims, and would you also support reductions in U.S. and other multilateral assistance to governments that refuse to do these things, similar to what we tried to spell out in our legislation? What other measures might you suggest we undertake?

Ms. LEDERER. I can't speak directly to any one specific bill or approach, but I can say that I think we need as strong and as effective mechanisms as we can possibly manage to deal with this, and I do believe that removing aid can be—that a negative incentive is an incentive; in other words, that if we removed certain aids, it can be effective in getting the government's attention.

Mr. HAUGEN. To elaborate, perhaps, on my earlier remarks, I believe it is an effective carrot-and-stick approach that the cop in the street does significantly manifest what are the urgent priorities, not the good ideas, of his senior commanders, but what are their urgent priorities, and urgent prioritis are frequently the result of what those senior political leaders think might happen to them if they didn't elevate the issue to the level that was necessary.

I was in South Africa in the mid-1980's during the height of the state of emergency in that country and saw the incredible brutal oppression that took place in South Africa. Of course, in those days the word also went up from different quarters generally about how sanctions would have no effect; that, in fact, if we just appealed only to the better angels of the nature of the leaders of South Africa, that things would change. It is difficult now to understand why the people who understood the importance, not the exclusive importance of negative consequences, but at least the plausible helpful-

ness of negative consequences, can now deny that that is an important part of trying to seek change.

On the other hand, efforts that completely isolate relationships with law enforcement, that do not assist them, that do not relate well to them, that do not appreciate their good faith efforts and affirm them, then that is a bad course as well. You all are the experts on how to do that in a technical policy sense, but I do know that what ends up working in the street is what matters to the senior political authorities and what they are resourced to do.

Mr. SMITH. For the record, I supported sanctions against South Africa. I was one of those few Republicans, only one on this Committee if my memory is correct, who supported them as a tangible means to a good end, to get rid of apartheid. There were people who made that very argument, but you don't hear that argument made now in retrospect. I think the prudent use of withholding nonhumanitarian aid, and not even sanctions in the typical sense that that word is used of proscribing trade or inhibiting trade—we are just saying money we might otherwise give you, other than humanitarian aid, you are not going to get, or we may withhold some or all of it. It seems to me it is a very modest way, so I appreciate your point on that.

Let me just ask Dr. Lederer, you and The Protection Project have compiled a data base with the laws of countries around the world on sex trafficking and related issues. How would you characterize progress so far in getting countries to notice this problem and to take effective measures against it?

Ms. LEDERER. Mr. Chairman, can I just go back for 1 minute to your previous question? Mr. Haugen has said that it is important to help countries and give them the resources for law enforcement and training the law enforcement.But even before that is the drafting of good laws, because if the good laws aren't there, then the good law enforcement can't take place. What we have found as we have collected these laws on sexual trafficking, trafficking in slave trade, and kidnapping, is countries who often—even when they are interested in improving their laws—look around quickly and say, who can help us, who can help us, and they take whoever is the closest who will give them some pro bono help. So you see a series of laws have been cobbled together, a little bit from France, from Germany, some help from Brazil and not necessarily a well-thought-through statute on trafficking.

The first thing that needs to happen is that countries that are looking to improve and strengthen their laws need assistance in that regard. That answers a little bit of this next question which was—if you could repeat it.

Mr. SMITH. It had to do with how well other countries—you basically focused on how well are they in terms of drafting their policies. Are they in denial, are they accepting it? How far along are they? Again, let me just add to that in terms of our own legislation. Remembering the adage "know thyself", what have we done to fix our own house? As the testimony indicated earlier, it isn't firm. It is in need of being fixed, and it seems to me we have a remedy that at least gets very serious about it, but any recommendations you might have in terms of how we could improve it would be appreciated.

Ms. LEDERER. We found that almost every country in the world has some law that could be used to prosecute traffickers. Some of them are very old. Some of them go back to the turn of the century with the white slave trade and are related to that. Some are procuration laws from the 1950's, and about 50—I would say 50 to 60 countries—have newer laws that have been drafted and passed in the last 10 or so years that specifically address either sexual trafficking or trafficking generally.

I do think countries are beginning to be aware of the problem. Certainly every country has heard from us many, many times. I also think that there are countries that would prefer not to deal with this. They know they have a problem, and they are not ready to deal with it yet, and so they are, I wouldn't say in denial, but they are certainly not dealing with it and not cooperating. So I hope that is helpful.

Mr. SMITH. Let me ask, Mr. Haugen: We have heard from NGO working in Russia. As a matter of fact, we heard from them directly in meetings we had during the Parliamentary Assembly that parliamentarians—and I saw this in terms of their denial themselves—are unwilling to recognize and address the issue. Has IJM or have other NGO's working in South Asia had similar experiences with governments and legislators in those countries?

Mr. HAUGEN. We have not had the opportunity to work directly with legislators or the policymakers of those countries except to relate to the senior police command. We will go into a jurisdiction, we will document where the children are being held and take that information up to the senior level of command. At that level we almost always see a positive response to get those children assisted, but for that to be an ongoing, urgent priority for them, they need to know that they both have the support to do that, and they also have the encouragement of their relationship with the United States in that.

Mr. SMITH. What do our own Ambassadors, U.S. Ambassadors to those countries, and other diplomatic personnel do to assist you when you are seeking to get an outcome, to free women like Anita?

Mr. HAUGEN. To date we have had good relationships with U.S. Embassies overseas that we apprise of what we are doing and get a sense of the security situation from them. At this time it has not been necessary to seek their intervention on forced prostitution matters, although their help has greatly assisted for matters of illegal detention or some other human rights abuse. But I believe our overseas embassies are eager to do something decisive about this, but I think need to be empowered by the U.S. Congress and the Administration to do what will be most effective.

Mr. SMITH. I appreciate that.

Let me ask one final question before yielding to my colleagues. You heard the earlier conversations about what kind of protection would be best for the victims themselves who are facing the high probability of deportation. One effort endorsed by the Administration would be a 3-month temporary visa type of deal. My argument is that that probably is not enough; why not go the max in terms of providing protection with the possibility of permanent residency here in the United States if certain very minimal factors are met? Where would you come down in terms of that side of it? Do these

women actually go back to bad situations in countries like Ukraine or Russia, or is that much overstated, or in Asia?

Mr. HAUGEN. I don't know very much about what they go back to in Russia or the Ukraine. I do know that certainly they go back to situations in which there was a coercive force that was willing to use violence in a criminal act, and so they go back to potential vulnerability. But that is precisely what the traffickers continually try to do is create a sense of fear not only from the traffickers, but from these vague outside sources; that the trafficker actually becomes the protector because they place this victim in this environment which gives them a sense that there are these other forces that are going to hurt them, and usually the trafficker points to the foreign government that they have been introduced to to say, OK, you are now in a foreign country, if you get caught by the police, if you cry out, if you do anything, they will capture you, they will imprison you, and believe me, already their notion of what law enforcement looks like can frequently be pretty brutal.

My perspective is that maximum effort must be extended to create for them a safe environment. If you are going to get them ever to cooperate in prosecution, the amount of effort it takes to even get someone like Anita here to tell her story, to let alone actually then participate with the adversarial process of prosecution, that is an enormous amount of demand of a human being. So my perspective, whatever is necessary to give them a sense of protected environment afterwards, I believe we should adjust our immigration laws on the principle that this is what we would want to extend as a safe place for our daughter if she were abducted, for our own children, and that to me is sort of the master test.

If you come up with whatever your immigration law is, and then you take it to the teenage girl you know best, and you get her moral intuition as to whether or not that seems sufficiently generous and protective of a person who had been trafficked, then I would be willing to go with that moral intuition.

Mr. SMITH. Thank you.

Dr. Lederer, if you could make available to us—I know it is not finished—but whatever preliminary information that might be helpful to the Subcommittee as we move this legislation forward, especially as it relates to these other governments and their response to the problem in their own countries, whatever data you can make available. I know end of the year is your deadline, I believe, or time line. It would be most helpful.

Mr. SMITH. Again, I would like to thank all three of our witnesses and especially Anita for her courage and willingness to be here and to present us with the information, your story that you have provided us. We are very, very grateful.

Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. If I could offer just a friendly recommendation, Mr. Chairman, the next time, my deepest regret is that we should have had these panel of witnesses to testify first before hearing from the Administration, for obvious reasons. I cannot believe that the figures that the State Department and the Administration is playing with on this very important issue of sex trafficking is so disparate from what Dr. Lederer has just shared with us. This is just abominable as far as I am con-

cerned. If they don't even have the accurate figures, how can they possibly declare a policy that is accurate and correct as far as from our own policymaking apparatus if it is not there?

Mr. SMITH. Would the gentleman yield on that?

Mr. FALEOMAVAEGA. I yield.

Mr. SMITH. We have often asked the Administration to either stay or allow witnesses, especially when they have personal stories to tell, to go first. As a matter of protocol, they usually argue that they would like to go first. But if you could join me and Mr. Hilliard as well in asking the Administration to perhaps reverse the order. We have done that in the Veterans Committee on occasion, when the veteran service organizations come first and the Administration last, and they hear things they might not otherwise hear that are most helpful. I thank the gentleman for yielding.

Mr. FALEOMAVAEGA. I would say to the gentleman we are doing it now for the Resources Committee; that we have had assistant secretaries sitting there waiting until the ladies and the gentlemen that we have invited to testify could be heard for their testimony before hearing from government officials. I thank the gentleman for sharing with me that similar concern.

I certainly want to thank Ms. Bhattarai for your courage just to be here. This is not a very easy task for any woman under the circumstances that she has had to go through in her life.

Mr. Chairman, I submit I have a 13-year-old daughter, and I wish that every parent, every father, every brother could have a real sense of appreciation what women and children go through. We are talking about rape and forced prostitution. As far as I am concerned, they are the same thing. It is just another fancy word or adjective saying sex trafficking. Forced prostitution, as far as I am concerned, is rape, and that is exactly what happened to this lovely lady, and I am just so sorry to hear that this is the kind of testimony that Members of this Committee have had to hear the reality of out there. This is not an academic exercise or theory. This is reality out there, not just to 1 million women and children. This is almost 4 million that are affected by this multibillion-dollar sex, criminal offenses that are being committed by these pimps in these foreign countries. This is just really, really beyond me, Mr. Chairman. I am just very, very disappointed.

I think we have had enough meetings and conferences, as has been stated earlier, by the Administration officials. I think we need to put our foot down and come up with substance and not just a lot of rhetoric and talk.

I noticed, too, Mr. Chairman, sex trafficking or forced prostitution is among the most industrialized countries of the world. You don't have to go to Nepal or India or other countries. It exists in countries like Japan, the second most powerful economic power in the world, and this goes on. It seems to me, Mr. Chairman, if there are any protocols that will have any sense of substance, we ought to deal with the industrialized countries that come out with a protocol to address this very specific issue.

I raised the question with the Administration about the protocol because it has been worked upon for the past 9 months. The problem that I have with this proposal, Mr. Chairman, is sex trafficking is only one out of perhaps seven or eight other forms of trafficking.

It seems to me when you get into that hodgepodge of other forms of criminal act or actions, then I am afraid that it is going to be based on a low priority, just as it is the implication that I gather from the Administration's past, not just this Administration, sex trafficking is just not on the radar screen in the minds of policymakers.

To this end, Mr. Chairman, I commend you for calling this hearing, and I sincerely hope that we will proceed in getting the Committee not only to pass the bill that I heartily endorse, and I hope to work closely with you to get this thing moving.

Just a couple of questions, if I may, on the issues that have been raised by Dr. Lederer. I note here that 1 million children under forced prostitution are in Southeast Asia alone. I am most surprised that the State Department did not even take any notation of that fact. One million children worldwide are affected by this alone. I mean, this is just unbelievable.

I want to thank both Dr. Lederer and Mr. Haugen. I want to thank both of you for your most comprehensive statements to this issue, and I really, really sincerely hope, Mr. Chairman, that we move on this legislation because I think in my personal opinion there has been a lot of rhetoric expressed, a lot of meetings, a lot of conferences, but I think we haven't addressed in actually putting any teeth into the matter by saying enough is enough, not only because we get 50,000 in this forced prostitution here in our country, but what about the other millions that are occurring in other countries of the world.

I cannot for one, Mr. Chairman, use poverty as a valid excuse for allowing this to happen, I don't care how poor a country is. I would think that, as Ms. Bhattarai testified in her eloquent testimony, it is just beyond me how strong the culture and the values that they place, and where I come—if I catch that guy, I would castrate him 10 times. I am sure that even here in our own country, Mr. Chairman, this should not and will not be tolerated. Here again, I just want to add my commendation to your leadership, Mr. Chairman, and thank the members of the panel.

Mr. SMITH. There has been so little reporting and coverage on this, but occasionally there is a breath of fresh air. Fox Files recently did a piece on what is happening in the Philippines, which I remembered when you mentioned the million in that part of the world. Mr. Cuomo did the narration and actually went out and talked to some of the worst of the worst that were doing this, and it just seems to me that we need more scrutiny like that show, which I think was a real wake-up call to a lot of people, about what is actually happening around the world, whether it be in Russia, the Ukraine, or Asia, in India or Nepal or anywhere else.

This is an outrage. These are crimes against humanity and particularly crimes against women, and we need to give real tools to our policymakers and our law enforcement people, and that is why this legislation has to be passed sooner rather than later. Next week would be none too soon, from my point of view. It is bipartisan, and I want to thank you, Mr. Faleomavaega, for being one of the cosponsors of the bill.

Mr. FALEOMAVAEGA. I thank the members of the panel.

Mr. HILLIARD. Thank you, Mr. Chairman.

Let me thank the witnesses for their testimony, especially the young lady who has been through this situation. Up until today I had not been a cosponsor of this bill that you have, Mr. Chairman, but I just told my aide about a half an hour ago that he is to notify the Committee that I wish to become a cosponsor, and I think we have really got to move forward. This is a difficult situation. We should have done something about this years ago.

I have a few technical questions I wanted to ask, and I guess, Dr. Lederer, this probably would be for you and perhaps, Dr. Haugen, I am not sure, but in your research, is there any country that has a particular bill that is somewhat effective or that works that you have seen?

Ms. LEDERER. We are still in the stages of gathering all the laws and of sifting through them and analyzing them. In fact, that process, the analysis, has just begun. One of the purposes of gathering the laws is to look at them and find the best of the best, and, from the best of the best of those laws, to create some model legislation, some international model legislation that could be used by countries that want to improve and strengthen their laws. That hasn't ever been attempted before. We do have model legislation in the ABA nationally, but we believe that with this issue we can create some model legislation that will be effective, on an international level.

So to answer your question, it is a little too early, I think, to recognize any particular one, law or one statute in any particular country, but we have noted that there are some very innovative laws, and we are in the process of, setting those aside for their examination.

Mr. HILLIARD. Have you looked at the proposed legislation here yet?

Ms. LEDERER. In the United States?

Mr. HILLIARD. Yes. The legislation.

Ms. LEDERER. I am aware of the Smith bill; is that what you are asking?

Mr. HILLIARD. Yes.

Ms. LEDERER. Yes, absolutely.

Mr. HILLIARD. Will it also be taken into consideration as you gather the laws?

Ms. LEDERER. Yes. In fact, all of the bills that have been introduced in the United States we have added, even though they haven't passed. We are doing that in other countries also, bills that have been proposed that haven't passed yet, that look very, very good.

Mr. HILLIARD. I will await your results. It is something I think we really need to look at and we need to consider, and we need to make sure that we get a decent bill that will be effective the world over.

Let me go back, sir, to one of the answers you gave the Chairperson when he was asking about the type of cooperation you have gathered from our embassies abroad and our diplomats. Tell me, have there been any countries now that have resisted your work and your efforts in what you seek to do?

Mr. HAUGEN. I would say no, sir. In terms of our efforts to deal with forced prostitution?

Mr. HILLIARD. Yes.

Mr. HAUGEN. No. Where we have done what is actually kind of the street-level law enforcement investigative work, and then we have taken that data up the chain of command, we have seen very, very good response. It is a sign of hope on our part that these governments need to be encouraged in these worthy efforts. They need to be supported in their law enforcement efforts, and there is ways of bringing U.S. law enforcement alongside in areas of resourcing and training that could be very effective.

Our organization employs people of criminal investigative and law enforcement background. They work well and relate well with law enforcement overseas. I believe rather than necessarily focusing on the terrible things that would be interrupted in terms of relationships, if you have any sort of negative consequences through sanctions, that generates a lot of discussion, but not a tremendous amount of light. But I do know that positive, cooperative relationships with law enforcement can make a difference, but that many times those activities in the street are dictated by the most senior priorities, and that is when the broader relationship with the U.S. Government matters.

Mr. HILLIARD. Forced prostitution and forced rape is something that really needs to be brought to the front burner now. The press is very powerful. But you have got to have those that are interested in keeping the subject alive, and you have to have those that will continuously write about it, those that would have the talk shows and the discussions about it, and it might not be a bad idea if there is some type of bureau that would be set up to document the abuses, to document those countries that are worse off than others, and to document and follow this and continuously keep the public informed about what is happening here. This is atrocious. We should have done something about it years ago.

How prevalent is the sex trade here in this country?

Ms. LEDERER. I think your point about documenting is the exact right point. We have so very little information on this subject in this country and other countries, so very few facts, and we have no mechanisms right now for gathering them. What we are doing now is comparing apples and oranges. We have one NGO that says it is this, and then in another country another NGO that may be collecting facts in a very different manner.

So you really cannot get a global perspective or even a perspective in any one country of what is going on. So you are right on target, sir. We need more information. We do need a way of gathering, fact-finding and researching.

Mr. HILLIARD. I am sorry, before you answered I asked another question, and excuse me, but is the sex trade prevalent here?

Ms. LEDERER. I think I am answering it by saying we don't know. We don't know how prevalent it is.

Mr. HILLIARD. I have often read about, especially those persons coming from Russia who are forced here into prostitution, plus coming from other Third World countries. It is one of the things I read about and put it aside, but you have really touched me today, and I want to know now where we are and where we need to go.

Ms. LEDERER. I think I can say that the State Department does say that is a conservative figure, that 50,000 is conservative. That

is one they felt comfortable with, which probably means it is more than that.

Mr. HILLIARD. Is there anywhere in this country that you know of, at any university or any public or nonprofit corporation, where information is gathered and assimilated, dealt with in this area?

Ms. LEDERER. I can say that The Protection Project——.

Mr. HILLIARD. The only one basically that you know of?

Ms. LEDERER. That I know of, that is gathering in a methodologically sound way. We are asking every country the same set of questions, and we are also asking all the NGO's in the various countries the same set of questions so that when we get all of the information back, we will not have that apples and oranges situation. We have got responses now from the 220 countries and territories, from about 180 countries. So we are doing phenomenally well in terms of the countries responding to us. Now it is a matter of taking and looking at that information and seeing what we have got.

Mr. HILLIARD. What about here in this country? From time to time I read articles, stories, somewhat similar, not as brutal, about people who have come here and who have to engage in prostitution, forced prostitution, to pay for being here and to pay for their fear coming here.

I would think that this is not just some individual act. I understand that there are certain type, mobster type criminal elements involved. I would think that somewhere in this country there would be something, some law enforcement agency that would keep this type of information, or ought to be. Do you know of anyone here in this country keeping that information?

Mr. HAUGEN. Just to respond, our focus is entirely upon international forced prostitution, but I would imagine that my former colleagues at the Department of Justice and the FBI would have some data on their view of the magnitude of the sexual trafficking problem here in the United States. I am quite confident of that.

Mr. HILLIARD. My final question: Is there a list anywhere that you have run across that shows in any detail those countries that are worse off in terms of sexual trafficking?

Ms. LEDERER. I think Ms. Lord did touch on a number of the countries. I know I don't know of any lists. From the work we have done, I believe that every country has a trafficking problem, and it isn't only 10 or 12 countries. We really do have to look at the seriousness of commercial sexual exploitation in all its forms in every country.

Mr. HILLIARD. When you start dealing with that list, there is no country that is going to be want to be at the top. That is one weapon you may want to think of down the road. We used that during the civil rights movement. No city, no government, no state wanted to be at the top.

Ms. LEDERER. Good advice.

Mr. HAUGEN. The traditional human rights organizations have done some work in trying to identify those countries that are egregious violators of sexual trafficking and have done a good job of raising that. It raises the stakes considerably when that opinion of a country is rendered by an official body of the U.S. Government.

Mr. HILLIARD. Yes, I would think so. Thank you very much for your testimony.

Mr. SMITH. Thank you very much, and for cosponsoring the legislation. One of the reasons we are at logger heads with the Administration on the very office we hope to create is that the very reason we heard in testimony today, the Administration is unable because there is a dearth of data, to tell us who are the dirty dozen, or the top 10 in terms of the offending countries. We have inadequate information and we need to hyper start this whole process. That is what our legislation in part would seek to do. In addition to the penalty side, it would also massively gather that information.

Like you said, it would take a model from civil rights, and begin to say these are the worst offenders. If you want to get off that list, there are things you can do. Stop exporting and exploiting your women.

So the gentleman's point is well taken, and we do cover that in the legislation. So I thank the gentleman for that.

I want to thank our witnesses as well for your great work. Again, Anita, thank you for your courage in coming forward. You have done the cause of trying to stop this horrible practice a great service today. We are very, very grateful.

Thank you.

[Whereupon, at 4:07 p.m., the Subcommittee was adjourned.]

A P P E N D I X

SEPTEMBER 14, 1999

Statement of Representative Chris Smith
Chairman, Subcommittee on International
Operations and Human Rights
September 14, 1999

Trafficking in Women and Children for the International Sex Trade

Today's hearing is to investigate one of the modern world's most serious and most widespread human rights problems: the trafficking of women and children for the international sex trade.

Each year up to a million innocent victims -- of whom the overwhelming majority are women and children -- are brought by force and/or fraud into the international commercial sex industry. Efforts by the United States government, international organizations, and others to stop this brutal practice have thus far proved unsuccessful. Indeed, all the evidence suggests that instances of forcible and/or fraudulent sexual trafficking are far more numerous than just a few years ago. Every day we read news accounts of women and girls who are abducted in places as diverse as Burma, Kosova, and Viet Nam, and sold into sexual slavery in countries from Thailand to Israel, from China to the United States.

Part of the problem is that current laws and law enforcement strategies -- in the United States as in other nations -- often punish the victims more severely than they punish the perpetrators. When a sex-for-hire establishment is raided, the women (and sometimes children) in the brothel are typically deported if they are not citizens of the country in which the establishment is located. Deportation is imposed without reference to whether their participation was voluntary or involuntary, and without reference to whether they will face retribution or other serious harm upon return. This not only inflicts further cruelty on the victims, it also leaves nobody to testify against the real criminals, and frightens other victims from coming forward.

In order to reverse this cruel and ineffective approach, I have introduced, together with my colleague Marcy Kaptur and 25 other bipartisan co-sponsors, H.R. 1356, the Freedom from Sexual Trafficking Act. This legislation is designed to protect and assist the victims of sexual trafficking while inflicting severe and

certain punishment on the perpetrators. On August 4th, H.R. 1356 was marked up and reported favorably by the Subcommittee on International Operations and Human Rights, of which I have the honor of serving as Chairman. I am confident that this important legislation will soon be reported favorably by the full International Relations Committee and then enacted into law.

The central principle behind the Freedom from Sexual Trafficking Act is that a person who knowingly operates an enterprise that profits from sex acts involving persons who have been brought across international boundaries for such purposes by force or fraud should receive punishment commensurate with that given to one who commits forcible rape. This would be not only a just punishment, but also a powerful deterrent.

H.R. 1356 would implement this principle across the board:

- First, it would modify U.S. criminal law to provide severe punishment, up to and including life imprisonment, for persons convicted of operating such enterprises wholly or partly within the United States.

- H.R. 1356 would also prohibit non-humanitarian U.S. assistance to governments that continue to be part of the problem rather than part of the solution to forcible and fraudulent sexual trafficking, unless this prohibition is waived by the President.

- The bill also provides victim assistance and protection. This includes grants to shelters and rehabilitation programs for victims of forcible and/or fraudulent sexual trafficking.

- It also includes relief from deportation for victims --- provided it is established that they really were innocent victims, that they have not unreasonably refused to assist in the investigation and prosecution of the perpetrators, and that they would face retribution or other hardship if removed from the United States.

- The bill also makes clear that trafficking victims are eligible for the federal Witness Protection Plan, and provides them with a private right of action against those who have profited by the harm that was done to them.

- Finally, the bill authorizes grants for training for law enforcement agencies in foreign countries in the investigation and prosecution of international sexual trafficking, as well as for assistance in drafting and implementation of anti-trafficking legislation.

H.R. 1356 has attracted widespread support and enthusiasm from across the political spectrum, but it has also found its share of critics. For example, the Administration and others contend that it is wrong or counterproductive to impose sanctions, or even threaten to do so, against foreign governments that condone sex trafficking. But nobody really believes that we should **never** sanction bad behavior by foreign governments. Rather, the question is how bad the conduct has to be in order to merit the sanctions, and whether the sanctions are carefully tailored to deter the evils they address. H.R. 1356 contains smart sanctions, not dumb ones. It would give the President the opportunity --- not the obligation --- to cut U.S. taxpayer subidies to governments that condone or support sexual trafficking. There are no trade sanctions in this bill, only limitations on foreign aid. Humanitarian aid is explicitly exempted, and we have adopted a generous definition of humanitarian aid. Finally, even this very limited sanction against offending governments may be waived by the President. Remember, the legislation also authorizes new foreign assistance to governments that are making efforts to punish perpetrators and protect victims. So we provide both carrots and sticks, incentives and disincentives.

We believe this bill provides a more balanced, moderate, and flexible approach than a bill that would provide all carrots and no sticks. We give the President all the tools that may be necessary to stop this unspeakable exploitation of women and children --- not just some of the tools --- and then it is up to the President to decide which tools he wants to use in each case.

The Administration and some of its supporters also argue that anti-trafficking legislation should be designed to stop not only the forcible and fraudulent trafficking of women for the international sex trade, but also other forms of trafficking such as the transportation of workers for sweatshops or other substandard working conditions. I sympathize very deeply on some of these points. Our bill explicitly recognizes that international sexual trafficking is not the only form of traffic in persons. Innocent people are lured, pressured, and lied to every day all over the world in all kinds of situations. I take second place to no one in my commitment to ending all labor practices that are coercive, deceptive, or

otherwise improper, even when they involve labor that is not itself inherently degrading. The problem with addressing all these evils in one bill is that they involve a wide range of different situations which may call for an equally broad range of solutions. So we decided to start by attacking the most brutal form of trafficking -- the use of force and deception in the systematic degradation of millions of women and children -- and to single it out for swift and certain punishment.

We believe that by focusing on this particularly egregious practice --- the forcible or fraudulent trafficking of women and children for commercial sexual purposes --- we can stop it sooner than if we we tried to address a far broader range of evils. H.R. 1356 is far tougher on the criminals and far more generous to the victims than would be appropriate if we were trying to legislate about working conditions in legitimate industries rather than to punish rapists and protect rape victims.

I believe legislation to end sexual trafficking will also command a far broader consensus in Congress, among the American people, and around the world than legislation that would address a much wider range of problems and then do a lot less about them. If the Administration wants to get behind this legislation and then follow up with legislation on related issues, I will be there, willing to work with them. But while we are working on shaping an approach to these other problems and on building the necessary consensus for addressing them, we must not delay even for a single day the effort to save these millions of women and children who are forced every day to submit to the most atrocious offenses against their persons and against their dignity as human beings. Forcible and fraudulent trafficking of women and children for the commercial sex trade is a uniquely brutal practice and it cries out for its own comprehensive and immediate solution. We must act to end it, and we must act now.

THE GLOBAL PROBLEM OF TRAFFICKING IN PERSONS:

BREAKING THE VICIOUS CYCLE

TESTIMONY OF

HAROLD HONGJU KOH

ASSISTANT SECRETARY OF STATE

BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR

AT A HEARING BEFORE

THE COMMITTEE ON INTERNATIONAL RELATIONS,

U.S. HOUSE OF REPRESENTATIVES

ON

"TRAFFICKING OF WOMEN AND CHILDREN
IN THE INTERNATIONAL SEX TRADE"

September 14, 1999

Mr. Chairman, thank you for holding today's hearing on the worldwide problem of trafficking of persons. You should be commended for shining a spotlight on this important human rights issue. Hearings such as these demonstrate the interest of the U.S. Government in combating these egregious practices, and send a clear signal to traffickers that they will not be tolerated. This past July, the Parliamentary Assembly of the Organization on Security and Cooperation in Europe unanimously passed a resolution condemning sexual trafficking: a success, Mr. Chairman, for which you were in large part responsible. I applaud you and your colleagues on the U.S. delegation for your leadership, as a result of which the delegations from Belgium, Hungary, Lithuania, Netherlands, Switzerland, and the United Kingdom unanimously joined the U.S. in agreeing to a resolution that urges participating states to punish traffickers, even while raising public awareness of the crime of trafficking.

Mr. Chairman and Members of the Committee, my colleague and friend Theresa Loar, Director of the President's Interagency Council on Women and Senior Coordinator for International Women's Issues at the State Department, joins me here today to discuss how we can work together to address this key issue. By appearing together, we send the message that the entire Administration shares your determination that we must stop those who profit from the tragedy of trafficking and help those who are its victims once again find dignity.

This is an issue that has touched my life professionally and personally, both in my work as a private human rights attorney and now as Assistant Secretary of State for Democracy, Human Rights and Labor. As you know, as a private refugee attorney, I represented literally thousands of Haitians, Cuban, and Chinese citizens who took to small boats seeking safe haven in the United States, some of whom, no doubt, were victims of traffickers. I also served as co-

counsel in New York in a well-publicized case involving a group of hearing-impaired Mexican workers, who were lured to this country, terrorized by their captors, and forced to peddle wares on the streets of New York by day, deprived of food and sleep at night. These individuals, too, were victims of heartless trafficking schemes designed to rob them of their money, their livelihood, and most importantly, their dignity.

Since coming to the State Department, I have worked to make sure that the Administration addresses all forms of trafficking. This past March, I traveled to Chiang Mai, Thailand with Secretary of State Madeleine Albright, where we visited the Hill Tribes Institute, which has worked diligently to educate indigenous people throughout Southeast Asia and to create economic alternatives to the dangers of sex trafficking. Some of the young girls at the Institute were no older than my own thirteen-year old daughter. The experience reminded me that trafficking hits us so hard because it so often involves children like our own. That so many around the world would resort to the exploitation of innocents for personal and monetary gain must be regarded as one of the most brutal forms of evil we confront today.

Mr. Chairman, it is with these children in mind that I present my testimony here today. All too often, we think of trafficking as a faceless "problem:" a criminal problem, an economic problem, an immigration problem, a health problem. In fact, trafficking is devastating to its victims. Let me speak to you today not about trafficking as a multi-billion dollar industry – although it is – nor as an immigration or health problem – although it is also that. I speak strictly from the perspective of an international human rights lawyer, who sees in trafficking the very antithesis of the Universal Declaration of Human Rights. In fact, I would argue that trafficking represents one of the most

comprehensive challenges to human rights in the world today, for it involves the very denial of the humanity of its victims.

Traffickers abuse virtually the entire spectrum of rights protected in the Universal Declaration of Human Rights. By their acts, traffickers deny that all persons are born free and equal in dignity and rights; they deny their victims freedom of movement, freedom of association, and the most basic freedom: to have a childhood. Traffickers profit from arbitrary detention, slavery, rape, and cruel, inhuman and degrading treatment. They regularly violate any human right that gets in the way of a profit. Most fundamentally, traffickers do not respect any of these rights, because they view their victims as objects, chattel to be bought and sold as needed

Trafficking is a truly global plague, one that may appear in Denver as well as in Delhi, in London as in Lagos. It takes many forms, from forced prostitution to bonded domestic servitude, from coerced work in sweatshops to the pressing into service of child soldiers. It involves women and children, but also men, victims from every walk of life, every culture, every religion. Following my prepared testimony, I would be happy to discuss particular examples of trafficking from numerous countries around the world. Indeed, Mr. Chairman, in the most recent edition of our annual *Country Reports on Human Rights Practices*, which I presented to this Committee this past February, we identify at least sixty countries in which trafficking takes place. That number, which is in all likelihood a conservative estimate, represents nearly one-third of the countries in the world. But before turning to specifics, let me sketch for you the broader scope and complexity of this global problem.

Practices vary from region to region and according to the type of trafficking, but it is possible to make some generalizations. Trafficking involves a vicious cycle in which victims are forced or lured from their home countries, shuttled across one or more international borders, and enslaved, with human rights violations occurring at every step of the way. In "source countries" where trafficking originates – which can be any part of the world, including the United States – victims of trafficking can include men, women, and children of every age group. However, a majority are girls and women under the age of twenty-five. Some respond to employment agencies fronting for traffickers and some are sold to traffickers because their families cannot afford to take care of them. A few are tricked into traveling with a so-called "family friend" or "uncle" to a large city to go shopping, only to discover too late that they have been kidnapped and ensnared by traffickers in a world of violence and slavery. In almost every situation, traffickers prey upon the hopes and fears of their victims: in the case of the runaway, offering shelter and sympathy; in the case of the poor family, offering a false way out of debt; in the case of those seeking passage abroad, offering the false hope of a better life.

In many cases, victims are sent to "transit countries," where traffickers make it clear that they have no choice but to accept prostitution, debt bondage, or other forms of involuntary servitude. Once a person is in the traffickers' hands, the traffickers regularly use any and all means to ensure their cooperation: typically drugs, violence (including sexual assault), threats to victims' families, and threats to turn victims over to unsympathetic local authorities. If victims have identity papers to begin with, traffickers often seize or destroy them to ensure compliance. Where money has been exchanged – either by the victim to ensure passage, or as payment to the victim's family – victims are

often told that the cost of transport is greater than expected, and that they will have to work additional months or years to pay back the traffickers.

Traffickers frequently will move victims – who may be blindfolded or otherwise prevented from seeing where they are and where they are going – from safe house to safe house, from city to city, or increasingly, from country to country. Once victims of trafficking arrive in so-called "receiving countries," they often are kept in squalid conditions in a state of virtual house arrest. In the victims' world, violence, drugs, and threats about the authorities form part of the brutal daily routine. So too are long hours of forced servitude – whether in a brothel as a prostitute, at gunpoint as a child soldier, or at a sewing machine as a sweatshop worker. What little compensation comes the victim's way is usually a tiny percentage of actual earnings, with the balance claimed by the trafficker to "cover" so-called costs such as room, board, and clothing, or to "repay" the original "loan." In cases involving prostitution and pornography, victims are forced to continue working regardless of disease, meaning that many work throughout pregnancies and despite having contracted sexually-transmitted diseases, including HIV. In fact, the HIV crisis has only fueled the expansion of sex trafficking, with pimps seeking increasingly younger girls and boys in order to market them to customers as "clean." Health care is non-existent or provided only by fellow victims, leaving most victims at high risk of further health complications, and ensuring that many children born to trafficking victims while in captivity will themselves be trafficked, usually through adoption rings, ensuring that the vicious cycle will continue.

With that important background, let me now turn to the issue of possible legislation, in particular, H.R. 1356, the Freedom From Sexual Trafficking Act of 1999.

Mr. Chairman, as you said before the OSCE Parliamentary Assembly earlier this summer: "It is time to aggressively attack this contemporary manifestation of slavery." As my colleague Theresa Loar will testify, this Administration has taken a strong stand against trafficking in persons and has involved many agencies in a cooperative effort to combat this problem, no matter where it may occur. At the same time, we recognize that this Congress, like this Administration, has focused greater attention on this horrifying practice than any predecessor. The Administration strongly supports the bill's objective of combating trafficking and appreciates the efforts of you, Chairman Smith, and the other bill sponsors to try to craft legislation that reflects our shared goals of ***preventing*** trafficking, ***prosecuting*** those who engage in such terrible crimes, and ***protecting*** trafficking victims. We are committed to working with you and other Members to fight trafficking through a variety of means, and we believe that joint Congressional and Administration attention to this issue will send a strong message worldwide that the U.S. Government is serious about fighting traffickers.

For that reason, we strongly agree on the need to provide statutory protection for aliens in the United States who are victims of trafficking, and the value of strengthening our own criminal laws to help bring traffickers to justice. We also agree that reporting on all forms of trafficking of persons as a violation of international human rights standards is crucial to determining the extent and nature of the problem, combating such abhorrent violations of human rights, and providing appropriate aid to victims. The first step in deterring trafficking and bringing traffickers to justice is to identify and break the vicious cycle that I have described in countries around the globe, including countries of origin,

transit countries, and receiving countries—particularly, but by no means exclusively, if there is evidence of active official participation in trafficking.

At the same time, however, we do not believe in reinventing the wheel. In our judgment, new reporting requirements are unnecessary and would further burden the already overworked staff members of my Bureau's Office of Country Reports and Asylum Affairs. Instead, I would argue that the best framework within which the Administration can report on trafficking already exists in our annual *Country Reports on Human Rights Practices,* the principal human rights document by which the U.S. Government reports to Congress and this Committee on all human rights conditions worldwide. By using these existing, well-established, and widely-respected *Country Reports* as the method of choice to spotlight the trafficking issue as an important human rights concern, we can ensure that reporting on trafficking will not be marginalized, but rather, fully integrated into our broader, yearly human rights reporting. To expand both the breadth and depth of our coverage in the *Country Reports*, I am pleased to announce today that we have made a commitment this year to add a new sub-section on trafficking in each of the 194 country chapters in the 1999 *Country Reports* under Section 6, which is entitled "Worker Rights."

In the same vein, we believe that any draft legislation best serves our mutual goal of combating trafficking when it consolidates and strengthens existing response mechanisms rather than creating cumbersome new mechanisms in their stead. The draft bills we have seen focus almost solely on trafficking in women and children for sexual purposes. As I have just described, the phenomenon of trafficking is much broader, and is better defined as the problem of trafficking in ***persons***. Moreover, the draft bills

choose to address the issue by imposing new and onerous reporting requirements, creating one or more new layers of bureaucracy, and creating mandatory sanctions requirements that target government actors, even when private traffickers bear major responsibility for the problem, and where creation of economic alternatives to trafficking, not punishment of state entities, is most likely to provide relief for the victims.

Given the scope and magnitude of the global trafficking problem that I have described, I fully understand the temptation to search for a "new" legislative approach or mechanism to address the problem. But new reporting, new offices, and new sanctions are not solutions in and of themselves, nor will they yield a quick fix for what is a massive and complex global problem. To address the problem effectively, we need to focus on recurring features of the generic problem, to support existing response mechanisms, and then to do everything in our power to break the vicious cycle of human rights violations that are occurring.

We already have a human rights bureau with a global mandate. We already have the President's Interagency Council to help coordinate the executive branch response. We already have human rights reporting on trafficking, which as I have said, will be more thorough and comprehensive on this issue from this year forward. We already have a range of diplomatic tools at our disposal to address the issue, including essentially all of sanctions discussed in the various draft bills. Most importantly, we already have the political will to address the question. What we need is not new institutions and new bureaucratic requirements, but sufficient capacity for existing offices that already recognize the problem and have a mandate to deal with it.

The draft House bill, in particular, appears to be modeled after the International Religious Freedom Act of 1998 ("IRFA"), particularly in its emphasis on mandatory sanctions. For three important reasons, we believe that IRFA represents an inappropriate paradigm for anti-trafficking legislation.

First, unlike religious persecution, which tends to occur within a single country, trafficking in persons represents a transnational problem, which usually involves the forced movement of people across one or more international borders. As a result, mandatory sanctions targeted at any one country will not likely have the desired impact on the transnational problem.

Second, targeted sanctions against specific states are far less effective deterrents when the primary moving forces behind the problem are not national government officials or policies, but non-state actors. Traffickers, like their counterparts in international organized crime and narcotics, avoid national criminal penalties by shifting their base of operations across borders to reap the highest level of profits. Trafficking tends to be a "bottom-up" and not a "top-down" problem: the root causes usually rest in private greed and economic and social conditions, not government micro-management. When foreign government officials are involved or complicit in trafficking, it is usually at the provincial and local level, where the blunt instrument of sanctions has decidedly less impact.

Similarly, unlike victims of religious persecution, victims of trafficking rarely belong to organized groups, and do not enjoy the protection of established transnational institutions capable of speaking out on their behalf. Organized religion has proven to be an exceptional advocate for those who suffer at the hands of religious persecution. But as

the admirable NGO advocates who will testify later today will tell you, no corresponding institution yet exists for victims of trafficking. When sanctions do work, they tend to do so by supporting the efforts of private institutions who oppose and challenge the governmental action that violates human rights. Without such private, institutional support, sanctions against states in which trafficking takes place are unlikely to succeed.

Third and finally, because trafficking is a burgeoning problem, as you know from your own work with the OSCE Parliamentarians, governments around the world are increasingly concerned about the issue, and are beginning to address it. A great many affected governments want to deter trafficking, but lack the resources to do so. But if we implement the legislation as proposed, almost all countries could find themselves in default of some statutory requirement and hence, eligible to be subject to its mandatory sanctions. A unilateral sanctions regime that targets even those countries who are beginning to address the issue could well end up discouraging, rather than encouraging, effective international cooperation and the emerging international regime to address the problem. For example, mandatory sanctions could seriously undermine our continuing efforts to negotiate the Trafficking in Persons Protocol.

In sum, new legislation should not focus on developing unnecessary new institutions or establishing onerous new requirements that address only the symptoms and pathology of the problem. Instead, we hope that Congress and the Administration can work together within the Department's existing legislative framework to find ways to address the root causes of the problem and to break the vicious global cycle of trafficking.

In sum, Mr. Chairman, the President and the Secretary of State have committed our Administration to making the fight against trafficking an integral aspect of our overall

human rights policy. This Committee, under your leadership, is also playing an extremely important role in promoting the same goal. We look forward to working you, and the other members of this Committee, to identify the most effective means and mechanisms to strengthen our mutual commitment to break the vicious cycle that causes this terrible transnational problem.

Thank you, Mr. Chairman, for your attention. I stand ready to address any questions that you and the Committee members may have. First, however, I would like to turn the floor over to my colleague Theresa Loar, who as Director of the President's Interagency Council on Women and Senior Coordinator for International Women's Issues at the State Department, has played a key role in facilitating the Administration's response to this important issue.

TESTIMONY ON TRAFFICKING IN WOMEN AND CHILDREN

BY THERESA LOAR
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U.S. DEPARTMENT OF STATE

BEFORE REPRESENTATIVE CHRISTOPHER SMITH
HOUSE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

SEPTEMBER 14, 1999

Chairman Smith, thank you for the opportunity to testify this afternoon on the problem of trafficking in women and children around the world and the implementation of the United States strategy in combating this problem.

Of all the human rights abuses to which the international community has turned its attention, the trafficking of human beings, predominantly women and children, is clearly one of the most egregious violations of our time. In addition, trafficking is one of the fastest growing and most lucrative criminal enterprises in the world.

The President, the Secretary of State, and the Attorney General have all shown tremendous commitment to this issue and the Department of State, Department of Justice and other relevant agencies have made significant progress over the past year to advance the United States anti-trafficking strategy set forth in a Presidential directive of March 11, 1998.

Mr. Chairman, your efforts to focus attention on this important issue are welcome. Your advocacy during international travel and your consistent attention to the needs of victims will continue to be crucial to accomplishing our shared goals. We look forward to working closely with the House of Representatives and the Senate to begin to craft legislation that will support and advance the U.S. policy framework to prevent trafficking, fight traffickers and protect victims.

The President's Interagency Council on Women is a task force of high-level representatives from across the Executive branch charged with implementing the *Platform for Action*, adopted at the 1995 United Nations Fourth World Conference on Women in Beijing.

The Secretary of State is the Chair of the Council and the First Lady is the Honorary Chair. The President has directed the Council to lead the development and coordination of U.S. domestic and international policy on trafficking in women and children. As Director of the Council, I see the Council's work on trafficking as part of our government's broader commitment to eliminate violence against women around the world. As Senior Coordinator for

International Women's Issues, my work on trafficking is a vital part of my mandate to promote women's human rights within U.S. foreign policy.

The Council has been actively mobilizing the expertise and resources across the Executive Branch to combat trafficking. The Council coordinates the efforts of the Departments of State, Justice, Labor, and Health and Human Services, USAID and the U.S. Information Agency. Within the Department of State, the Council and the Office of the Senior Coordinator work with bureaus covering East Asia and the Pacific, the Near East, Europe, Russia and the Newly Independent States, and South Asia and functional bureaus such as Democracy, Human Rights and Labor, International Narcotics and Law Enforcement, Consular Affairs, Diplomatic Security and Population, Refugees and Migration. The Council's work has focused on ways to enhance and institutionalize the treatment of trafficking in U.S. government initiatives.

Mr. Chairman, we gratefully acknowledge your efforts in meeting with trafficking victims to deliver the strong message of U.S. support and concern. Members of the Council interagency team also have met face-to-face with trafficking victims from countries such as Albania, Ukraine, Nigeria, Mexico and Thailand. These encounters, always heartbreaking and sometimes involving personal risk to the trafficking victims, have only deepened our resolve to use the full force of our government to combat this modern form of slavery.

Our interagency approach reflects the multi-faceted nature of this problem and the need for coordination across the government. We intend to continue to address trafficking through this comprehensive and integrated effort.

Today, Mr. Chairman, I would like to share with you a little about the nature and scope of trafficking, the three part strategy which the President's Interagency Council on Women and the Office of the Senior Coordinator for International Women's Issues have adopted to combat this problem and how we are working throughout the Department of State and the U.S. government to implement this strategy domestically and internationally. I will also describe our partnership with the NGO community.

Nature of the problem

Trafficking in human beings, predominantly women and children, is a form of modern-day slavery. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways.

The problem of trafficking involves the recruitment, transport, harboring, transfer, sale or receipt of persons through coercion, force, fraud or deception for the purpose of placing persons in situations of slaves or slavery-like conditions such as forced prostitution, domestic servitude, bonded sweatshop labor or other debt bondage. Trafficking may occur across international borders or within the boundaries of a single country.

Men are also trafficked, particularly into forced labor, but we emphasize trafficking in women and children because they are the predominant targets of traffickers.

Trafficking victims suffer extreme physical and mental abuse, including rape, torture, starvation, imprisonment, death threats and physical brutality. Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Victims trafficked into domestic servitude, bonded sweatshop labor and other industries are subjected to violence and sometimes literally worked to death.

Although trafficking in women and children is sometimes characterized as a "women's issue" it is in fact a global issue, involving human rights, economics, migration, transnational and local crime, labor and public and individual health.

Scope of the problem

It is estimated that over one million women and children are trafficked around the world each year. According to these estimates, over 50,000 of these women and children are trafficked into the United States, primarily from the former Soviet Union and S.E. Asia. Russia, Ukraine and Poland are major countries of origin in Central and Eastern Europe. A number of the cases prosecuted by the Department of Justice have involved traffickers from Mexico. It is worth noting that of these

estimated 50,000 approximately half are trafficked or coerced for bonded sweatshop labor and domestic servitude.

Although this hearing focuses on trafficking into the sex industry, it is clear that this is merely one component of trafficking. Accordingly, U.S. policy is not limited to addressing trafficking solely in the context of the sex trade. Subjecting women, men and children to slavery or slavery-like conditions in any context is an intolerable human rights violation and an evil that cannot be ignored.

Traffickers themselves are often engaged in more than one kind of trafficking because they follow the profits. For example, we see cases where girls are lured from a village and the traffickers force some of the girls to work in domestic servitude or carpet weaving, while others, considered more attractive, are culled out and sold to brothels. Thus, in the fight against trafficking, there are practical reasons why the United States does not limit its efforts to one form of trafficking over another form.

Consider these examples of trafficking which have already been prosecuted in the United States:

- Hearing-impaired Mexicans were recruited in their hometowns, brought to the United States, enslaved, beaten and forced to peddle trinkets in New York and other cities;

- Thai women, some of whom came to the United States legally, were held captive and forced to work as garment workers in El Monte, California;

- Teenage Mexican girls, believing that they were going to obtain jobs as waitresses, in child and elder care and in landscaping, were held in slavery upon arrival and forced to submit to prostitution in Florida and the Carolinas or risk harm to themselves or their families. Girls who attempted to escape were subjected to beatings, confinement, and threats;

- After being promised good paying restaurant jobs, Thai women were forced into prostitution upon their arrival in New York;

- Latvian nationals in Chicago were coerced into the sex industry by threats of violence from the Russian Mafia. The traffickers picked the women up upon their arrival at the airport, seizing their documents and return tickets, locking the women in hotels or other locations, beating the women and telling them if they refused to work in various nightclubs, the Russian Mafia would kill their families;

- Mexican agricultural workers were recruited, smuggled and forced to work to repay smuggling "debts" in South Carolina.

My colleague, Assistant Secretary of State for Human Rights, Democracy and Labor Harold Koh, respected as one of the world's leading authorities on human rights, has discussed the trafficking information contained in the State Department's *Country Reports on Human Rights Practices*. These reports and NGO reports confirm that trafficking presents itself in a broad array of forms in countries around the world, involving men, women and children.

Root causes

What is it that drives trafficking in women and children? Economic desperation is a primary cause. For the women and girls who are the targets of the traffickers, poverty and lack of economic opportunity are major forces propelling the trafficking industry. Traffickers capitalize on rising unemployment and lack of viable economic opportunities in countries of origin, as well as the low status of women in many countries. Children, and girls in particular, are pulled out of school early, enhancing the likelihood that they will fall into the hands of traffickers. In many cases, particularly in the former Soviet Union and Europe, victims are lured into trafficking schemes through false promises of employment as teachers, domestic workers, factory workers, nannies, waitresses, sales clerks, dancers or models and forced into the sex industry or domestic servitude.

Elsewhere, families sell their daughters to traffickers who sell them to brothels or to work in factories or in carpet weaving. Workers are trapped in

bonded labor in garment factories or on farms trying to escape the economic desperation in their own countries.

For the traffickers, it is primarily about high profits and low risk. The trafficking industry is one of the fastest growing and most lucrative criminal enterprises in the world. Profits from the industry are enormous, generating billions of dollars annually to organized criminal groups. Trafficking in women and children is now considered the third largest source of profits for organized crime, behind only drugs and guns. Moreover, there are indications that these growing profits are feeding into criminal syndicates' involvement in other illicit and violent activities. Traffickers know that throughout the world they can reap large profits while facing a relatively low risk of prosecution.

Addressing the problem:

Policy Framework

To combat the problem of trafficking, the United States has developed a comprehensive and integrated anti-trafficking policy framework based on President Clinton's 1998 directive. This strategy is focused on the three P's of:

1) Prevention,
2) Protection and assistance for victims, and
3) Prosecution and enforcement against traffickers.

The three elements of the U.S. policy framework are interconnected and it is crucial to implement policies that advance all of them. An example of how these elements are interwoven is the fact that prosecutions are virtually impossible if the trafficked women do not receive protection and support so that they can overcome their legitimate fears and be witnesses.

Multilateral/bilateral initiatives

Secretary of State Madeleine Albright has made the issue of trafficking a priority for the Department of State. We have seen how powerful it is to have the American Secretary of State raise this issue with heads of government and her fellow foreign ministers. Her

leadership and advocacy have helped to put this issue on the agenda of the world's leaders. Secretary Albright has used her role as Chair of the President's Interagency Council on Women to mobilize a strong interagency response to the issue.

During her official meetings with leaders of Italy, Finland, Ukraine, Israel and the Philippines, the Secretary has made it a priority to raise trafficking at the highest levels. As a result of her discussions, the United States has initiated five concrete bilateral working relationships with these countries focusing on prevention, protection and prosecution.

- In Ukraine, we have developed and are implementing a comprehensive and integrated strategy with the government. We have sponsored information campaigns, economic alternative programs for victims and training for law enforcement officers there.

- In July 1999, we completed the third meeting of the U.S.-Italy Working Group on Trafficking in Women and Children. This initiative focuses on protection of victims, cooperation with NGO's, training for law enforcement and strengthening cooperation between U.S. and Italian criminal justice systems. U.S. and Italian embassies in Lagos are working with the Nigerian government to develop a public awareness campaign to prevent trafficking in Nigeria. Plans are also underway for American NGO's to travel to Italy months to learn more about the victim's protection services available there. In conjunction with the U.S.-Italian initiative, members of the Council interagency team have consulted with officials from The Holy See on protection programs sponsored by the Vatican.

- With Finland, we are collaborating on the prevention of trafficking and violence against women in the Baltic countries of Lithuania, Latvia and Estonia.

- The United States and Israel are exploring ways to work together to reduce trafficking to Israel. The Department has shared information on trafficking legislation and Israel is beginning the development of public awareness programs.

- Most recently, Secretary Albright announced at the ASEAN Post Ministerial Conference, that the United States and the Philippines will co-host a regional meeting on trafficking in March 2000 in Manila. It is expected that this will be the first of a series of regional initiatives in the coming years that will develop and facilitate regional and global cooperation.

In addition to our bilateral efforts, we have several multilateral initiatives underway. These include partnerships with the United Nations, European Union, ASEAN and the OSCE.

- The member states of the United Nations are negotiating a protocol on trafficking in persons, especially women and children, as part of the Transnational Organized Crime Convention. The United States, led by the State Department's Bureau of International Narcotics and Law Enforcement Affairs, is one of the leaders in the development of this document that will be an international instrument of cooperation. The protocol will set new standards for source, transit and destination countries to prevent trafficking, punish traffickers and protect victims.

- Initiated by the Department's Bureau of Population, Refugees, and Migration, the United States and the European Union co-sponsored public awareness campaigns to warn young women in Eastern Europe about the dangers posed by traffickers.

- The OSCE membership includes origin, transit and destination countries. As the Principal Deputy of the Council, Anita Botti, testified at your June Helsinki commission hearing, the OSCE is proving to be an excellent forum in which to address trafficking. Your Helsinki Commission hearings and your trip to Russia in June helped to cast a spotlight on the issue in the region. At your suggestion, a member of the Council interagency trafficking team will travel to Vienna this month to discuss trafficking in the OSCE Review Conference. Your leadership has helped to put this issue high on the OSCE agenda.

International training and research

I would also like to take this opportunity to underscore the important work of the Department of State's Bureaus of International Narcotics and Law Enforcement and Consular Affairs in improving training for law enforcement on trafficking. Trafficking-specific training is being improved for international law enforcement -- including border enforcement, consular anti-fraud and visa officials -- to recognize trafficking cases and to respond appropriately to help protect victims.

In addition, the Department of Justice has held training projects and symposia with countries in Central and Eastern Europe as well as the Former Soviet Union.

The involvement of law enforcement in developing and promoting protection of the victims of trafficking, even when the victims have crossed international borders and are in undocumented status, is groundbreaking and will be crucial to success in this area.

Later in this hearing, you will receive testimony from Laura Lederer, affiliated with the Women and Public Policy program at Harvard's Kennedy School of Government, whose research is funded and sponsored by the State Department's Bureau of International Narcotics and Law Enforcement Affairs. We sought this research to increase our understanding of international laws on trafficking.

Domestic anti-trafficking efforts

Concurrent with these international efforts is the interagency work being undertaken to strengthen our domestic fight against trafficking. The Workers Exploitation Task Force, chaired by the Department of Justice's Civil Rights Division and the Department of Labor's Solicitor's Office, is developing procedures to standardize and institutionalize procedures for investigation and prosecution of cases involving exploitation, including trafficking cases.

The Departments of Justice and Labor's Workers Exploitation Task Force has made great strides in the development of national trafficking-specific training for their enforcement officials.

Under the auspices of the National Security Council, an interagency working group of the U.S intelligence community has been tasked with focusing attention on transnational crime implications of trafficking. This process has produced the first preliminary U.S. government estimates of trafficking to the United States (45,000-50,000 annually, primarily from Latin America, Russia, the Newly Independent States and Southeast Asia).

The Departments of Justice and Labor Joint Task Force on Worker Exploitation has made great strides in the development of national trafficking-specific training for their enforcement officials.

Partnership with non-governmental organizations (NGO's)

Mr. Chairman, the issue of trafficking first came to the attention of the President's Interagency Council on Women and the Office of the Senior Coordinator for International Women's Issues through the advocacy of NGO's in the United States and overseas. NGO's have courageously convened forums, produced moving documentaries and accurately reported the horrors faced by trafficking victims. At the Vital Voices Women in Democracy Conference in Vienna in July 1997, Council members met networks of NGO's working here in the United States and in the former Soviet Union. We heard from Ukrainian grandmothers who told us in tears of their anguish when young women from their villages were tricked into trafficking schemes.

I would like to recognize the critical role played by NGO's in the efforts against trafficking and to affirm our intention to continue a close partnership with them as we develop U.S. programs and policy.

One of the issues that NGO's have consistently raised in both national and international forums has been the ratification of CEDAW. CEDAW is the most comprehensive and detailed international treaty to date to address the rights of women. Ratification of this important treaty will allow us to participate in the UN Committee on the Elimination of Discrimination against Women, which has taken on the issue of trafficking in women and children. This will give us a greater voice in shaping policies to improve the status of women around the world.

Our partnership with the NGO community is an open and transparent process. The Council and the Office of the Senior Coordinator for International Women's Issues conduct public briefings at the State Department every three months on a range of issues, including trafficking. Just last week, over 400 participants joined us for a general briefing followed by a break out session on trafficking. The briefings are announced on the Council website at (http://secretary.state.gov/www/picw/index.html). The Council posts summaries of the NGO briefings on this website to extend our outreach to interested parties across the United States and around the world.

The NGO communities we have worked with include human rights groups, service providers and faith groups. We have engaged with these communities in meetings across the United States and overseas and have benefited from this partnership.

Legislation

The Administration seeks action by Congress that will support and strengthen our ambitious agenda on trafficking. The Administration wants to work with Congress to give strong and equal weight to each of the elements of the Administration's three part policy and strategic framework of 1) prevention; 2) protection and assistance for trafficking victims; and 3) prosecution and enforcement against traffickers.

Any legislative initiatives should be tailored to facilitate, provide assistance to permit the establishment of programs to educate potential victims and provide economic opportunities for those now lured into the vicious grasp of traffickers, protect the vulnerable and improve our country's ability to apprehend, prosecute and convict its perpetrators.

Address trafficking in all of its forms

As described above, international trafficking cases to the United States have included diverse cases held together by the common link of subjecting humans to slavery or slavery-like treatment.

It is clear that trafficking extends to a broad range of slavery-like circumstances and that trafficking into the

sex industry is only one part of a broader trafficking phenomenon.

As a result, the Department urges Congress to consider legislation that will address trafficking of persons, particularly women and children, in all of its heinous forms.

Strengthen U.S. government three part policy framework

Each element of the three part policy and strategic framework to combat trafficking needs to be pursued with equal vigor to be successful. Any legislative initiatives should strengthen each element of the framework and provide sufficient funding to permit meaningful progress in each.

Prevention of trafficking involves both public awareness campaigns and the development of economic opportunities and alternatives for potential trafficking victims in countries of origin.

Measures are needed to provide protection and assistance for victims, recognizing that trafficking victims have been subjected to a brutal and traumatizing experience. Adequate protection and assistance will require international cooperation between countries of destination and origin.

One important protection measure that Congress should provide is enactment of the opportunity for trafficking victims in appropriate cases to receive a temporary visa in the United States rather than be subjected to immediate removal. This would allow them to receive needed physical and psychological care, and to be available to assist law enforcement in prosecuting cases against traffickers.

Strengthened enforcement and prosecution against traffickers is crucial because trafficking is growing, in part, because it remains a high profit, relatively low-risk criminal enterprise. Imposing tougher penalties for traffickers and amending the law so that traffickers will not escape prosecution and conviction because of the high standard of proof in involuntary servitude cases, are among the objectives sought by the Administration through legislation.

Each of these elements reinforces the others and we are committed to continuing to pursue all three with equal vigor.

Avoid economic sanctions

Most countries are in the early stages of attempting to address trafficking, and economic development and economic opportunity are two of the central strategies of trafficking prevention.

Poverty and lack of economic opportunity, disproportionately affecting women and girls, are major forces driving the trafficking industry.

A mandatory sanctions regime also reduces the Administration's flexibility in handling the diverse situations where trafficking occurs. In our view, not all cases of non-cooperation are best changed through the imposition of sanctions. For instance, we believe there may be some countries where training and positive incentives may enhance that country's cooperation with our trafficking efforts.

Economic sanctions are inconsistent with fighting the economic desperation of the potential victims. Sanctions will lessen economic opportunities vital to the victim's ability to resist the tragic lure of traffickers.

The Department believes that progress can best be accomplished in cooperation with countries of origin, transit and destination. Benchmarking and international mutual assessment are among the other means available to objectively determine whether a country is making progress in reaching our shared objective of reducing trafficking.

Executive branch organization

It is unnecessary for Congress to impose upon the Secretary of State or the President an organizational structure within the Department or interagency for addressing trafficking. We welcome Congress' leadership in providing the tools and resources for the President, the Secretary, the Attorney General and other responsible Executive Branch officials to address this complex issue. As described above, the State Department already has been very active in this area and will continue to be so.

Use existing *Country Reports on Human Rights Practices* to expand reporting on trafficking

The Department's *Country Reports on Human Rights Practices* address trafficking of women and children. Rather than mandating a new report, with all of the inevitable related administrative costs, Congress should consider expanding the treatment of trafficking in the existing report to increase understanding of the nature of international trafficking and countries' efforts to combat it while protecting its victims.

I hope that these initial views are of assistance to you and others in your work on this complex issue. The Administration is currently reviewing legislative proposals and finalizing its recommendations for Congress. We will provide a more detailed presentation of Administration views as the legislative process proceeds.

The Administration looks forward to continuing to work with Congress to craft legislation to build upon the initiatives that are underway around the world to eradicate the scourge of trafficking.

Conclusion

We have aggressively led the U.S. government response in combating trafficking and protecting its victims. Mr. Chairman, we want to work with you to do more. We must get the world's attention to achieve a global consensus as we head into the 21st century that trafficking, a form of modern day slavery, is unacceptable. As Secretary of State Albright has said, "After all, if we believe in zero tolerance for those who sell illegal drugs, shouldn't we feel even more strongly about those who buy and sell human beings?"

Thank you.

Statement of Dr. Laura J. Lederer, Director
The Protection Project
Kennedy School of Government
Harvard University
Before the Subcommittee on International Operations and Human Rights,
House Committee on International Relations

September 14, 1999

INTRODUCTION

Mr. Chairman and subcommittee members, it's a pleasure to be here. I am Laura Lederer, Director of the Protection Project at the Kennedy School of Government, Harvard University. I have been working for the last 20 years on issues of commercial sexual exploitation of women and children and am happy to be able to share some of our preliminary findings.

The purpose of the Protection Project is to build a **comprehensive database of laws** and related materials on the commercial sexual exploitation of women and children. We are documenting the laws on child prostitution and child pornography, prostitution and surrounding activities, including pimping, pandering, procuring, maintaining a brothel, corruption of a minor, forced prostitution, trafficking, slave trade, kidnapping, and rape in all 220 countries and territories around the world.

We are also documenting the age of majority, age of consent to sexual relations, legal age for marriage, and other ages relevant to commercial sexual exploitation of women and children. Finally, we are examining the range of penalties, defenses to the charges, sentencing patterns, extraterritoriality and extradition treaties, law enforcement capability, victim assistance programs, and other related matters. Collection of data is taking place through series of questionnaires, and the preliminary database will be complete by the end of this year.

WHAT IS TRAFFICKING?

Trafficking is a global human rights problem, of which the majority of victims are women and children. Let me illustrate what trafficking is by telling you Lydia's story -- an amalgamation of several true stories of women and girls who have been trafficked in the Eastern European area in recent years. Lydia was 16 and hanging around with friends on the streets in [and here you can fill in the name of any of the sender countries -- the Ukraine, Russia, Romania, Lithuania, the Czech Republic] when they were approached by an older beautifully dressed woman who befriended them and told them that they were so nice looking, she could get them part time jobs in modeling.

She took them to dinner, bought them some small gifts, and when dinner was over,

invited them to her home for a drink. Taking that drink is the last thing Lydia remembers. The woman drugged her, and handed her and her friends over to another agent, who drove them, unconscious, across the border into [and here fill in any one of the receiver countries -- Germany, the Netherlands, Italy, the Middle East -- even as far as Japan, Canada, or the United States.

When Lydia awoke, she was alone, in a strange room, in a foreign country. Her friends were gone. Awhile later a man came into the room and told her that she now belonged to him. "I own you," he said. "You are my property and you will work for me until I say stop. Don't try to leave. You have no papers, no passport, and you don't speak the language." He told her if she tried to escape, his men would come after her and beat her and bring her back. He told her that her family back home would be in danger. He told her that she owed his agency $35,000 which she would work off in a brothel by sexually servicing 10-20 men a day.

Stunned, angry, and rebellious, Lydia refused. The man then hit her, beat her, and raped her. He sent friends in to gang rape her. She was left in a room alone, without food and water, for three days. Frightened and broken, she succumbed. For the next six months, she was held in virtual confinement and forced to prostitute herself. She received no money. She had no hope of escape. She was "rescued" when the brothel was raided by the police. They arrested the young women and charged them with working without a visa. They arrested the brothel manager and charged him with procuration, but he was later released.

They did not attempt to arrest the brothel owners or to identify the traffickers. The girls were interviewed, and those who were not citizens of the country were charged as illegal aliens and transferred to a woman's prison, where they awaited deportation. A medical examiner found that Lydia had several sexually transmitted diseases. In addition, she was addicted to a potent form of cough medicine, was physically weak, and spiritually broken. There was no one to speak for her. She feared the future because she knew her keepers. They had the networks, the power, and the resources to track her down, kidnap her, and bring her back again. They could hurt her family and had an interest in doing so, because unlike drugs, where the product can be sold only once, when you commodify a human being, she can be sold over and over again. The risk is low and the potential profits are high, so girls like Lydia are a real target.

There is no one who seems to care about Lydia's life. The authorities don't have the resources or the interest in tracking down the organizations of individuals in the trafficking chain -- from the woman who drugged Lydia, to the agent who brought her across the border, to the agent who broke her will, to the brothel managers and brothel owners. In addition, some corrupt law enforcement officials are involved because the process of getting Lydia across the border, and keeping the brothels running involves payoffs to local visa officials and police in the country of origin, border patrols for both countries, and local police in the destination country. Lydia is without protection; the traffickers have bought theirs.

SCOPE OF THE PROBLEM

Now multiply Lydia's story by hundreds of thousands and a picture of the scope of the problem emerges.

- UNICEF estimates that 1 million children are forced into prostitution in Southeast Asia alone, and another 1 million worldwide.
- An estimated 250,000 women and children from Russia, the Newly Independent States, and Eastern Europe are trafficked into Western Europe, the Middle East, Japan, Canada, and the United States each year.
- An estimated 20,000 children from Central American countries such as Guatemala and El Salvador are being trafficked for purposes of commercial sexual exploitation.
- According to the Department of State, over 50,000 women are trafficked into the United States per year.
- And then there are the countless thousands of women and children in Africa, and Central and South America, where we have little information on the scope of the problem.

Of the 155 cases of forced prostitution brought to the courts in the Netherlands one year, only 4 resulted in convictions. Thousands more were never brought to the courts. Accounts of the arrests police have made in North America show that women are being sold for as much as $16,000 each to brothel owners. When rescued, women tell stories of debt bondage and sexual slavery in which they were forced to work off a $20, 30, 40,000 "debt" to traffickers by servicing dozens of men a day. These numbers and the accompanying accounts illustrate that trafficking of women and children for purposes of prostitution has become a contemporary form of slavery. The numbers may soon be on par with the African slave trade of the 1700s.

WHY DOCUMENT THE LAWS?

We must document the laws of individual countries because the trafficking is international but all the laws addressing the problem are national. There are virtually no international laws with enforcement capability. While the United Nations conventions such as the Convention on the Rights of the Child and the Convention on the Elimination on All Forms of Discrimination against Women play an important role in setting international norms, they have no enforcement capability by themselves. Countries must draft and pass penal code statutes that specifically address each of these commercial sexual exploitation issues if they wish law enforcement to have the tools to arrest, charge, and prosecute traffickers.

THE THREE P'S: PREVENTION, PROSECUTION, AND PROTECTION

The best legislation would cover what we call "The Three P's" -- **prevention** of trafficking, **prosecution** of traffickers, and **protection** (social services and other programs) for trafficking victims.

We have found that more than 154 countries currently have legislation that at least minimally targets the **prosecution** of traffickers by prohibiting the procuration of women and children for the purposes of prostitution or forced labor. Most of these laws were drafted between 1912 and 1960 to address early waves of trafficking. However, these laws are often poorly, if ever, enforced. In fact, we find that the prostitution laws, which are aimed at women and children, are enforced, while the procuration laws, aimed at the traffickers, are almost never invoked.

To date, few countries have developed programs to **prevent** trafficking by educating women and children about how to avoid being trafficked, educating men and boys not to sexually exploit women and children, educating government officials about how to prevent trafficking, or providing economic opportunities that will make women and children less vulnerable to the lies and promises of traffickers.

In addition, few countries have the kinds of laws that **protect** victims of trafficking, or services that will help them recover and get on with their lives. As a result, women who have been forced into prostitution often end up in jail awaiting deportation, and go back to their homeland sick, drug-addicted, unemployed and unemployable, and filled with shame and fear.

CONCLUSION

Trafficking often originates in countries with poverty, few opportunities for women, and few laws to prosecute traffickers. Women and children are trafficked to countries where prostitution is legal or tolerated, and where there are few protections for children or women who have been trafficked. Based on our preliminary findings, we expect that trafficking will continue to increase in the absence of specific, enforceable laws aimed at prevention, prosecution, and protection.

As someone who has worked in this field for 20 years, it is exciting to see the subcommittee's leadership on this important issue. I am happy to see it recognized as a major human rights priority. It is time to move beyond conferences and expressions of shock to a coordinated effort to criminalize the conduct of these interlocking rings of businessmen, modern Mafia, and corrupt government officials. We are the people who can help young women and girls like Lydia -- to draw attention to their plight, help

nations strengthen their laws and ultimately to find the ways to prevent and protect young women and children from commercial sexual exploitation.

I can tell you that from where I sit, many countries are looking for leadership from the United States. U.S. leadership is important not only because of our human rights role, but also because it serves the American national interest. One of the hallmarks of the 21st century will be the emancipation of women worldwide. The issue of commercial sexual exploitation of women and children is one that is perhaps last, but definitely not the least, to be examined and addressed by our society. Your effort, Mr. Chairman and Subcommittee members will put America on the right side of history as women gain power and dignity.

Testimony
Of
Gary A. Haugen
President
The International Justice Mission
Before
The Subcommittee on International Operations and Human Rights
Committee on International Relations
United States House of Representatives

September 14, 1999

My name is Gary Haugen and I serve as the President of the International Justice Mission. I would like to extend my sincere thanks to Chairman Smith for convening this hearing and for inviting me to participate. Even more, I am grateful to Chairman Smith for inviting the testimony of these victims of sexual trafficking, for it will be their stories that ground these deliberations in reality and in the brutalities of real human experience. Their stories sustain the human face to this issue, a face easily obscured by mind-numbing statistics, by arid euphemisms for unspeakable acts, and by the illusion that women and children from far away places are somehow fundamentally different from our own.

Rather, Mr. Chairman, you have transformed these proceedings by the presence of these victims. Every word we utter is disciplined by the knowledge that we speak it in the presence of those who know what it means to be abducted to a foreign land, to be beaten, to be raped, crushed in spirit, and sold like an animal.

By way of background, the International Justice Mission is an international human rights agency that provides a hands-on, operational field response to cases of human rights abuse referred to us from faith-based ministries serving around the world. Churches in America send out tens of thousands of doctors, teachers, missionaries and humanitarian aid workers around the world. Frequently these workers observe severe human rights abuses in the communities where they serve. These workers refer these cases to us, and then we conduct a professional investigation to document the abuses and mobilize intervention on behalf of the victims.

Many of these cases referred to us involve children being held in forced prostitution. Accordingly we deploy criminal investigators to infiltrate the brothels, use surveillance technology to document where the children are being held, and then identify secure police contacts who will conduct extraction actions with us to get the children out. We then coordinate referral of these children for appropriate aftercare. We find that a significant percentage of these women and children have been trafficked across international borders.

So, I offer these remarks today not as a public policy expert but as the director of an agency with hands-on experience in the underworld of sexual trafficking – especially in South Asia and Southeast Asia. Our mission is simple: we find where the women and children are being held in forced prostitution, we remove them, and we secure them in places of compassionate aftercare.

Accordingly, I hope to offer some insights from our experience in the field about the dynamics of international sexual trafficking. Obviously, if we want to help the victims of sexual trafficking and shut down the business, we need to understand how it works.

Our experiences teaches us four principles:

1. International sexual trafficking is driven by what is tolerated in the country of final sale --the country where the customer actually purchases sex for money. In other words, it is the country that effectively tolerates forced prostitution at the point of final sale that drives the market demand for international sexual trafficking.

2. Whether forced prostitution is effectively tolerated is driven by the quality and vigor of local, street level, law enforcement.

3. The quality and vigor of local law enforcement's response to forced prostitution is driven by 1) the priorities of senior level political authorities, 2) the clarity and comprehensiveness of the criminal law and 3) the quality of resources and training provided to local law enforcement.

4. All efforts to combat international trafficking are impacted by the victim's eagerness to seek help and to cooperate in prosecution – and the greatest obstacle to such cooperation is the immigration laws and authorities that treat the victims as criminals.

I would like to elaborate on each of these points:

1. International sexual trafficking is driven by what is tolerated in the country of final sale --the country where the customer actually purchases sex for money.

Traffickers abduct and fraudulently transport women and children across national borders because they are confident there is a willing buyer to pay them for their effort. They know there is a brothel owner who will eagerly receive their human contraband and pay handsomely for it. Of course, the brothel keeper eagerly receives the women and children who have been trafficked by force, fraud or coercion because the brothel owner knows that forced prostitution is effectively tolerated. There is a willing buyer for these women and children because the brothel keepers feel perfectly comfortable trading in the sale of human beings. They operate without fear of effective criminal sanction.

It is the sheer ease with which forced prostitution operates in certain countries that creates the financial incentive for international traffickers. In the red light districts that the IJM infiltrates in South Asia and Southeast Asia, tens of thousands of women and children are bought and sold with the same ease with which you and I might haggle over a used car.

Of course, the coercive nature of the sex trade is powerfully masked behind dark, padlocked doors and hidden corridors. The deprivations of food, the beatings with electrical wires, metal rods, and leather straps, the cigarette burns, and the brutal rapes are conducted in the hidden rooms and upper floors where, if you can get to them, you can find women and children locked in literal cages. This we have seen with our own eyes. Down below and up front, at the more public street level in the red light district, the girls who have been beaten into resignation mingle with women who have chosen to be prostitutes and together they present a seemingly harmless and willing face for the commercial sex trade. You would utterly miss the point if you began to ask them whether they were working as prostitutes voluntarily – for most would shrug their shoulders and say yes. But ask them to tell you about their first customer – and there always is a first customer – and you are likely to get a very different story. A story of abduction and kidnapping. Or a story of fraudulent marriage in which they were taken from their family and simply sold into a brothel. A story of being lured into town with promises of work in a restaurant or hair salon – only to be sold into a brothel, beaten into submission, subjected to a nightmare beyond imagining, and in time resigned to their despoiled life.

Obviously, such a vast and brutal industry is able to operate only because it is tolerated by the civil authorities of the country. At the IJM, we work in jurisdictions in Asia where the police bribe their way within the police department in order to get assigned to the red light district because that's where they can make the most money protecting the brothels. We sit and watch the police arrive on schedule to pick up their weekly bribes, or find them, without much embarrassment, receiving their payment in kind. We see police delivering food to the brothels so the keepers don't have to let the girls out for meals. We know there are doctors that oversee the use of drugs to stupefy trafficking victims, and almost anyone from the highest concierge to the lowest cab driver is eager to help you find "little girls."

This is the environment that provides the dependable market for international sexual trafficking. Ratchet up the cost of doing business in forced prostitution, and you dry up the demand for women and girls who have been coercively or fraudulently trafficked. The brothels won't want them because they will be too much trouble – but at the moment, they're no trouble at all.

2. Whether forced prostitution is effectively tolerated is driven by the quality and vigor of local, street level, law enforcement.

Brothel keepers are impervious to the power of the international community's resolutions, treaties, covenants and protocols – *unless* they impact the conduct of the police officers or constables in their streets. Unless the brothel keeper actually gets in serious trouble with the civil authorities, he's going to keep doing what he's doing – there is just too much money to be made. In most countries, the problem is not so much with the criminal laws addressing forced prostitution (although important improvements need to be made here as well) – the problem is with the *enforcement* of the law. Ask the victims of sexual trafficking here about the meaning of their country's laws against forced prostitution or international laws against sexual trafficking. They will tell you that the only law they know is the man who walks their streets with a stick and a gun.

International sexual trafficking depends upon a flourishing local trade in forced prostitution, and you cannot combat forced prostitution at a distance. Public policy must reach the dirty streets, or it won't reach the victims of sexual trafficking.

How then do we invigorate local law enforcement against forced prostitution? This question leads to our third point.

3. The quality and vigor of local law enforcement's response to forced prostitution is driven by 1) the priorities of senior level political authorities, 2) the clarity and comprehensiveness of the criminal law and 3) the quality of resources and training provided to local law enforcement.

It *is* possible for U.S. Government policy to affect local law enforcement. Every local law enforcement jurisdiction around the world makes a choice between being the friend of forced prostitution or the enemy of forced prostitution. Of course, choosing to do nothing is choosing to be its friend. Therefore, there must be forces at work to move local law enforcement to change sides, to become the enemy of forced prostitution. In this process, the influence of U.S. policy is limited, but it can be part of a combination of forces that eventually tip the local scales of decision-making toward a decision to fight.

As mentioned, however, there are three primary forces working on local law enforcement: 1) political priorities of authorities at the top of the chain of command, 2) clarity and comprehensiveness of the law, and 3) local law enforcement resources and training. This is where an appropriate combination of carrots and sticks in U.S. policy can make a difference.

First, every law enforcement officer is part of a chain of command. Eventually, the enforcement officer in the street manifests the priorities of those at the top of the chain of command. If forced prostitution is not an absolutely urgent priority of the most senior political and public authorities in the country, then the powerful market forces at work on the street will always make local law enforcement the active or passive friend of forced prostitution.

And, as it turns out, U.S. policy toward a country can have a very powerful effect upon the priorities of a nation's most senior authorities – the authorities who sit on top of local law enforcement's chain of command. And here it must be observed that these public officials will move an issue from the "good idea" column and into the "urgent priority" column only when they think something *bad* will happen if they don't. This is why senior government authorities may be pushed to the point of making forced prostitution an "urgent priority" through a sense that something bad is going to happen in their relationship with the U.S. Government if they don't.

Let's face it. The victims of forced prostitution generally come from the most powerless and vulnerable sectors of the society – this is especially the case in developing countries. They are first and foremost, the poor, the children, and the women. They simply do not constitute a powerful or even significant political constituency. And yet, if the goodies that flow from a country's relationship with the world's only remaining superpower and the world's largest economy are jeopardized by a failure to respond to an issue, then that issue can take on an utterly fresh sense of urgency. This is where the stick of negative consequences in U.S. policy can have a powerful and occasionally decisive impact. It can reorganize the priorities of senior officials. And they in turn will reorganize the priorities of those who report to them.

The first and most basic reorganization of priorities should be as follows: the U.S. Government should insist that local law enforcement get out of the business of forced prostitution. Everywhere that the IJM confronts forced prostitution in the world we find police taking protection bribes from the brothels, assisting in the harboring of victims, tipping off brothels about police raids, and even occasionally operating the brothels themselves. Active police complicity is not hard to find – it's hard *not* to find. In countries where there is rampant forced prostitution, credible evidence of police collusion would not be difficult for any U.S. Embassy to document. And on the basis of such a finding, it seems a rather modest requirement to insist that countries that seek aid and good relations with the United States not be active collaborators in the business of rape for profit.

Finally, even urgent law enforcement priorities cannot be vigorously and effectively pursued without clear and comprehensive criminal laws, or without resources and training that equips street level law enforcement to be effective. This is the carrot of U.S. policy. We can assist in the development of clear and comprehensive statutory definitions of the crimes of forced prostitution and sexual trafficking. The U.S. Government can provide targeted assistance to foreign governments for resourcing and training special units to fight force prostitution and international trafficking. All of the work that the IJM has done in physically rescuing women and girls from forced prostitution we have done with the assistance of select trusted contacts within local law enforcement overseas. Local law enforcement *can* be equipped to respond effectively – and there certainly is *no* hope of actually addressing the problem if they are not properly equipped and trained to do so.

This calibrated combination of U.S. policy initiatives can make a real difference in the quality and vigor of the response by local law enforcement to forced prostitution.

3. All efforts to combat forced prostitution are impacted by the victims' eagerness to seek help and to cooperate in prosecution.

All law enforcement depends upon the support of the community and the cooperation of victims. But there is no way to reasonably expect victims to cooperate with law enforcement unless two conditions are met: 1) local law enforcement must get out of the business of protecting and profiting from forced prostitution, and 2) victims must be provided with a safe environment in which they can feel freely empowered to participate of their own volition in the justice system.

First, local law enforcement must get out of the business of protecting and profiting from forced prostitution. One must understand that the law enforcement personnel that most victims of sexual trafficking are familiar with are the ones they see turning a blind eye, taking a bribe, catching and

returning the runaway to the brothel. Unless U.S. policy places strong pressure on foreign governments to prosecute vigorously and severely those police who participate in and profit from the sex trade, then one cannot reasonably expect much cooperation from the victims of that environment who are trafficked to our own shores.

Secondly, victims must be provided a safe environment in which they can feel freely empowered to participate of their own volition in the justice system. It is well-known that the greatest ally of international sexual trafficking has been the way government authorities have treated the victims of sexual trafficking as criminals – rather than as the vulnerable rape victims that they are. This allows the trafficker to easily coerce his victims with horror stories of what will happen to them if they try to escape or go to the authorities. Here the United States has an opportunity to set a standard of compassion and generosity for the world by the way we treat women and girls who are trafficked into our own country from foreign lands. We can adjust our immigration laws in a way that creates a safe, non-coercive environment for the victims – an environment that vastly enhances the chances of their cooperating in the prosecution of the bad guys. In addition, we can support those vital aftercare facilities that give these devastated women and children a concrete vision of a life worth living.

Mr. Chairman, you and your colleagues in the United States Congress are taking important, historic first steps to address a desperate problem that has devastated the lives of countless women and children. Woman and children with real faces, real lives. Women and children like those who have had the uncommon courage to appear before you here today.

Mr. Chairman, members of this Subcommittee: hear their stories. And use the power, wealth and influence entrusted to the United States of America to change the dynamics of abuse, to turn the tide of power to the side of these who need our compassion and protection, and against those who prey most brutally upon the vulnerable.

Thank you very much.

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Testimony
Of
Anita Sharma Bhattarai
Victim of International Sexual Trafficking from Nepal to India
Before
The Subcommittee on International Operations and Human Rights
Committee on International Relations
United States House of Representatives

September 14, 1999

My name is Anita Sharma Bhattarai. I am twenty-eight years old. I am from Nepal. Last year, my husband took another wife. Soon after, he began to beat me, torment me, and disregard my children. I decided it would be best if I and my children moved out of our home in order to support myself and my children.

I made money by buying vegetables from farmers and selling them in the village market. On November 22, last year, I boarded the bus in order to go pay for my vegetables. I sat next to a Nepali man and woman. They offered me a banana to eat and I took it. Soon after I ate the banana, while I was still on the bus, I got a very bad headache. I told the man and woman that I had a headache and they offered me a pill and a bottle of mineral water to help me swallow the medicine. Immediately, I felt myself becoming groggy and then I fell unconscious.

The next thing that I remember is waking up in the train station in Gorakhpur, India. I am from a mountain village. I did not know what a train was and, of course, I had never been to India. I asked

the man where I was. I was confused by the long cars that I was riding in and the strange surroundings.

The man told me not to cry out. He informed me that there were drugs (hashish) tied around my waist and that I had just smuggled them across an international border. He told me that if I brought the attention of the police, I would be in trouble for smuggling the drugs. I did not remember the drugs being tied around my waist but I could feel plastic bags on my stomach under my dress.

The man also told me that if I stayed with him, I would receive 20,000 rupees from the sale of the drugs when we arrived in Bombay. I did not know how to get back to Nepal, I do not speak any of the Indian languages, and I believed that I was already in trouble for carrying drugs. The man told me that he was my friend and that I could refer to him as my brother. I decided to stay with him. It was a five day journey to Bombay by train.

When we got to Bombay, he told me to wait at the train station while he went to sell the drugs. When he returned, he told me that the police had confiscated his drugs and that he did not have any money. He said that I would have to go to his friend's house and wait while he got some money. He called his friend on the phone from the train station, and she came to meet us there. She was a Nepali woman. She said her name was Renu Lama.

I left the train station with Renu Lama. My "brother" told me that he would meet me at her house at 4 o'clock that afternoon.

As I walked with Renu Lama, she told me not to look at people because she lived in a very dangerous neighborhood and there were some bad people that I should not make eye contact with. When we arrived at her house, Renu Lama told me that I should take a bath. I told her that I would wait until 4'oclock when my "brother" came because my he was carrying my clothes. She told me my "brother" was not coming. I waited until evening but he never came. Finally, I took a bath and Renu Lama gave me some of her old clothes to wear.

Renu Lama then asked me if I could write a letter for her. I did. She dictated what she wanted to say to her family, and I wrote the letter. When I had finished writing the letter, Renu Lama took away the ink pen. She went to my room and took away all of the pens, pencils, and paper that I could possibly write with. I realized that the writing of the letter had been a test. Now that they knew I was literate, they were keen to keep me from communicating with anyone outside.

I felt very scared that evening and I refused to eat anything. I soon noticed that many men were coming in and out of the house and I realized that it was a brothel. I began howling and shouting. I said that I wanted to leave.

Renu Lama told me that I was ignorant. She said that I did not just come easily and I could not go easily. She said that I had been bought and I would have to work as a prostitute in order to pay them back. I was never told how much I they had paid for me. Renu Lama and two of her associates told me that all the women in the house were "sisters" and that we had to support each other. I cried a lot, but they comforted me and brought me a fine dinner - complete with chutney and a pickle.

The next day, though, I insisted that I wanted to leave. The women began to slap me on the face. They cut off my hair. It was shoulder length in the back with short bangs in the front. Now that I had short hair I knew that I could not leave the brothel without everyone identifying me as a prostitute. In my culture, short hair is the sign of a wild woman.

Then, I was told that all of the women in the brothel had to bathe three or four times each day. The women all bathe nude and they bathed together- four or five girls at a time. I had never bathed nude before and I had never bathed with other naked women. When I expressed my shyness, the other women mocked me. They grabbed me and stripped off my clothes. They forced me to bathe with them.

For the next couple of days the women beat me often. They slapped me on the face and head with their hands and hit me about the waist and thighs with metal rods. I begged to be let go. I said that I wanted to return to my children in time for the biggest holiday of our culture. The women mocked me. They told me that if I worked with them for a couple of days, they would send me home with three bricks of gold and 30-40,000 rupees for the festival.

I was also forced to learn Hindi - the language of most of the customers. At times I couldn't speak enough Hindi, I was beaten about the waist and thighs with the iron rods.

When I was alone with one of the other women, I offered her my gold earring if she would let me go. She said no. Later I learned that three of the women were in the brothel voluntarily and they were in charge. There were six other women in the brothel and, I learned, they had all been tricked and forced like me. Renu Lama and the woman to whom I had offered my earring were in the brothel voluntarily.

All of the women in the brothel were from Nepal. The six who were forced had all been brought from Nepal but under different pretenses. One girl married a man said he was taking her to Bombay to buy gold. He then left her in a brothel.

None of the other girls could read or write. I am literate because I am Brahmin and the women in my community are educated.

The women tried to reassure me that being a prostitute was not that bad. All of my food, housing, and clothes were provided. All I would have to do, they said, was sell my body.

On the fourth day that I was in the brothel, my first client came to me. I refused to have sex with him. He had already paid for me so he grabbed me and tried to rape me. I fought him off. He had managed to get my clothes off but he was very frustrated because I was resisting him so much. He stormed out and asked for his money back. A couple of the brothel owners (voluntary prostitutes) came in and beat me. When they were done, the same man came back in. I then said that I would have sex with him only if he wore a condom. I knew about the need for condoms since I had learned that some of the other victims had very bad diseases. At first he refused but after another fight he finally agreed to wear a condom. By the time he left, he had used three condoms.

I only had one client my first day. But the next day, and everyday after, I had three or four clients each day.

I managed to get an ink pen. I would write messages to the police on the inside of cigarette boxes and send them out with my clients. Many clients promised to help but none did.

Each client paid 220 rupees to be with me for an hour. I had to give the entire sum to the brothel owners. Often, the men would give me five or ten rupees extra. I used the money to buy condoms since the brothel owners would not provide them for me.

Still, I was not able to go out to buy the condoms myself. In fact, for the entire month and a half that I was in the brothel, I was never allowed to go out into the sun. Some of the other girls got to go the hospital when they fell ill. But I never got sick, so I could never leave.

I lived on the second floor of the brothel. The six of us who had been brought there against our will were kept on the second floor. There were no windows on our floor. The three who ran the brothel lived downstairs.

Downstairs there was a door that led outside. Several iron rods used for beatings leaned against the wall beside the door. One of the owners always guarded the door. Outside of the door was a metal gate. When customers were not coming in and out, the gate was closed. The gate was held by a heavy chain that was locked by a large padlock.

One night I tried to run away with one of my associates. We were caught by the brothel owners before we even made it to the gate. My friend was sold to another brothel in Sarat where the brothels are said to be even more tortuous than the ones in Colaba, Bombay where I was held.

After serving clients for about eight days, an elderly man came to me as a client. When I was alone with him in the room, I told him that he was old enough to be my father. I told him, 'I am like your daughter.' I told him my story. He said that he had plenty of money and a Nepali friend. He promised to help me escape. He spent the entire night with me. That was the first time I had been with a client for more than an hour. I cried on him all night long.

The next morning he left with a promise that he would send his Nepali friend to help me. He said that I would know his friend had come when a Nepali man came to the brothel, asking to be with Anita, and carrying a gift of candies.

A few days later, a young Nepali man came to see me. He brought a gift of candy. I told him my story. He promised to help me escape. I told him that I did not trust anyone. In order for me to trust him, he would have to go to Nepal, report about me to my father and brother, and bring back some of my personal photographs as a result. The elderly client paid for him to go to Nepal. Before he left, the boy gave me his address in Bombay.

Some of my associates overheard the owners saying that they were also planning to sell me to a brothel in Sarat because I was too much trouble. I decided that I could not wait until the boy returned from Nepal. I had to try again to run away. I asked some of the other girls to run with me but they were too afraid. We had been told that we would be killed if we tried to run away. But I determined that I would rather die than stay in the brothel. The other girls pooled their money together and came up with two hundred rupees. In exchange for the 200 rupees, I promised that if I made it out alive, I would get help for them.

A couple of days later, I had a perfect opportunity. Renu Lama was out of town again. The owner who was watching the gate was drunk. A new maid had just been hired to clean and cook in the brothel. The new maid was doing chores and had left the gate open just a little bit. In the middle of the night, I would guess about 4 am, I ran out of the brothel. I was wearing only my nightgown and carrying a slip in my hand. I just ran down the street as fast as I could.

As I was running I saw two police officers. They were in civilian clothes but I knew they were police officers by the belts that they were wearing. I ran to them, told them my story, and handed them the address of the Nepali boy. They took 100 rupees from me in order to pay for a taxi. They put me in a taxi that took me to the Nepali boy's house.

When I arrived at the house, the Nepali boy was not there. But another Nepali man and his wife were there. They were friends of the Nepali boy and they agreed to take me in. The police left me with that family.

I did not know it at that time, but that same day, the Nepali boy had met Bob (Robert Mosier- Director of Investigations, International Justice Mission). He told Bob my story. Soon after I ran away from the brothel, Bob and the police raided the brothel where I had been. After searching through the brothel, the police with Bob learned that I had run away earlier that night. They came with Bob and met me at the house where I was staying.

Bob told me that I could go back to the brothel to get my things. I was too scared to go back because I thought I might be forced to be a prostitute again. But Bob assured me that I was safe. I went back to the brothel with Bob. I showed him all of the hiding places where they found the other girls. All of the girls who were forced were released from the brothel and a way was provided for them to go back home. The two owners who were there that night are now in jail. Bob also arranged for me to return home to my family in Nepal.

First, I went home to my family but it was very uncomfortable. The people in the village laughed at me. In my culture, a woman is scorned if she is missing for just one night. I had been missing for two months. It was very hard for my family, especially since we are members of the *Brahmin* caste. So, today I live in Kathmandu. I work as a domestic servant in the city. I am still without my children since they went to live with their father when I was taken away. I am told that my husband's new wife is very cruel to my children. But my husband does not want my children to be with me because of where I have been.

I know that my story will help other women who are forced into prostitution. I am proud that I already was able to help Bob free the other girls in the brothel where I worked. Though I am grateful to be here to share my story, I am sad that I am not with my children- that my children cannot be here with me.

September 14, 1999

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More than 100 nations, including the United States, are currently negotiating, under the auspices of the United Nations Crime Commission, a Protocol to Combat Trafficking in Persons, Particularly Women and Children. This Protocol will supplement the Convention to Combat Transnational Organized Crime, which is also currently under negotiation. The Protocol will be a binding international instrument, which will obligate the parties thereto to criminalize trafficking in persons under their respective domestic laws. The Protocol will include a modern definition of trafficking, which will cover various forms of sexual and labor exploitation. The Protocol will also contain provisions for extradition, mutual legal assistance, training and other forms of international cooperation. The United States is the leading sponsor of the Protocol and actively participates in the negotiations, which take place at the UN Crime Commission in Vienna. The United Nations General Assembly in November 1999 called for the Convention and Protocol to be adopted by the end of the year 2000. A copy of the current draft text of the Protocol will be provided to the Committee.

STATEMENT OF DR. VALORA WASHINGTON, EXECUTIVE DIRECTOR, UNITARIAN UNIVERSALIST SERVICE COMMITTEE, PREPARED FOR THE HOUSE INTERNATIONAL OPERATIONS AND HUMAN RIGHTS SUBCOMMITTEE SEPTEMBER 14, 1999

The Unitarian Universalist Service Committee is an international human rights organization based in Cambridge, MA, working to empower women to speak for themselves, their families and communities and to support the struggles of indigenous and other oppressed racial and ethnic groups. We utilize a three part approach-overseas partner support, constituent education and action, and policy advocacy in Washington.

Trafficking of women and children into the sex trade is of serious concern to UUSC's women's and human rights partners in South and Southeast Asian countries. The area contains the major source countries for this trafficking. UUSC has worked for nearly two decades in South Asia on women's issues. At this time we are focussing on the issue of trafficking of women and children for forced labor and the sex trade.

UUSC partners in Southeast Asia on the Thai/Burma border and in Thailand report that trafficking of women and girls into the sex trade has become a significant problem in recent years. Many female immigrants are lured to Thailand under the guise of legitimate employment, and then are sold into sexual slavery once they arrive. The Asian Women's Human Rights Council conducted a fact-finding mission which documented an alarming increase in trafficking in Burmese girls and women who have fled Burma. An estimated 20,000 female immigrants are forced to work as prostitutes in Thailand. These women cannot escape and are often beaten and further abused by their pimps. According to Public Health Research Centers on the border cities of Thailand about 80 per cent of Burmese sex workers tested in the cities along the border are HIV positive.

UUSC sponsored the publication and distribution in Burmese of the Human Rights Watch-Asia publication *A Modern Form of Slavery: Trafficking of Burmese Women and Girls in to Brothels in Thailand.* A full size version was distributed to Burmese officials and to the Burmese international community and a second notebook size version was distributed discreetly throughout Burma.

UUSC, in collaboration with Human Rights Watch/Asia, supported PRA Investigasi in West Kalimantan, Indonesia to conduct an investigation into trafficking of women, particularly those trafficked from West Kalimantan into Thailand and the Philippines. They report that with rapid industrialization and other modes of development that have been forced upon their people has come the problem of sexual exploitation. Agents regularly travel within the region to recruit girls for jobs overseas as maids or entertainers. Frequently, these jobs are covers to traffick women into the flesh trade. The numbers of girls being recruited are increasing. With increasing poverty the women have no choice but to accept the offers of employment in order that their families and they might survive. PRA Investigasi is working to raise the consciousness of parents in rural areas who are easily convinced by the recruiters' sales pitch.

In South Asia our partners have implemented programs within countries and at the regional level to share information and raise awareness of this critical issue affecting women. UUSC partner UBINIG has been very active in challenging the flesh trade in South Asia. In August 1996 with UUSC funding, UBINIG organized a workshop in Bangladesh where representatives from non-governmental organizations from Nepal, Sri Lanka, Pakistan, India and Bangladesh formed a network called "RESISTANCE" against sex-trafficking. In May 1997 they initiated a campaign to raise awareness about the issue of trafficking amongst heads of state at successive South Asian Association for Regional Cooperation (SAARC) summits. As a result of that lobbying, the issue of trafficking was included in the official statement by the South Asian heads of state as an issue that requires transnational cooperation to eliminate. In 1999 they organized a national level meeting to finalize the draft SAARC Convention on Combating Traffic in Women which has been prepared by the Bangladesh government with input from non-governmental organizations and which will be circulated to all seven countries. They will hold a regional consultation to prepare a lobby document with members of the Resistance network and other related coalitions to be handed over to the relevant governments, ministries, delegates, and heads of state.

In March UUSC partner the Global Alliance Against Traffic in Women (GAATW) co-organized a workshop in India with the Asian Women's Human Rights Council entitled *Trafficking and Prostitution: Understanding the Hidden Realities*. This workshop was one of those rare occasions when activists working on issues related to trafficking and prostitution and sex workers from the region shared a common platform. During the three day workshop many pressing issues came to the fore including that of criminalization, stigmatization and the human rights of sex workers. This proved to GAATW that any process to get at solutions to this problem should have representatives from sex workers' organizations. In follow-up, GAATW organized a global conference to discuss the effectiveness of using a human rights framework in tackling trafficking in women. Based on the outcome of these discussions, they are formulating strategies to lobby for Human Rights Standards for the Treatment of Trafficked Persons.

In June UUSC facilitated the participation of sex workers and anti-trafficking activists at the UN Working Group on Contemporary Forms of Slavery, which reviewed the 1949 Convention for the Suppression of Traffic in Person and Exploitation of the Prostitution of Others and an NGO seminar in Geneva prior to the meeting. The participation of sex workers will ensure that any new policy and measures developed as a result of the June events will not aggravate the vulnerable situations of affected women and that their basic rights will be protected.

In its Washington Office, UUSC staff has advocated for greater attention to the issue of trafficking through the lens of women's rights and based on the experience and recommendations of those most directly affected. In addition to contacts with the office of Congresswoman Louise Slaughter, UUSC has worked with the President's Interagency Council on Women since its inception, urging increased attention to trafficking issues in South and Southeast Asia.

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