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TRAFFICKING IN PERSONS: THE FEDERAL GOVERNMENT'S APPROACH TO ERADICATE THIS WORLDWIDE PROBLEM

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

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TRAFFICKING IN PERSONS: THE FEDERAL GOVERNMENT'S APPROACH TO ERADICATE THIS WORLDWIDE PROBLEM

THURSDAY, JULY 8, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:10 p.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the subcommittee) presiding.

Present: Representatives Burton, Watson, Smith and Pence.

Staff present: Mark Walker, chief of staff; Mindi Walker, Brian Fauls, and Dan Getz, professional staff members; Nick Mutton, press secretary; Danielle Perraut, clerk; Richard Butcher, minority professional staff member; and Jean Gosa, minority assistant clerk.

Mr. BURTON. We are going to go ahead and get started with the hearing. We have other Members who will be coming and going. We have a lot going on around here since we are getting close to the Democratic and Republican conventions and everybody is trying to wrap everything up, so there are a number of hearings going on today but we will go ahead and get started. Ms. Watson will probably be here in a few minutes and Chris Smith is planning to come and Congressman Pence and some others.

A quorum being present, the Subcommittee on Human Rights and Wellness will come to order.

I ask unanimous consent that all Members' and witnesses' opening statements be included in the record and without objection, so ordered.

I ask unanimous consent that all articles, exhibits and extraneous or tabular materials referred to be included in the record and without objection, so ordered.

In the event that other Members attending the hearing want to participate, I ask unanimous consent that they be permitted to serve as a member of the subcommittee for today's hearing and without objection, so ordered. Right on cue, here comes Congressman Chris Smith who has just been covered with that language.

The subcommittee is convening today to once again examine the atrocious practices of human trafficking and slavery around the world and to discuss how the United States is attempting to combat these illicit practices both domestically and on an international basis.

The notion that slavery is still practiced in these modern times is nearly unbelievable in most peoples' minds, but unfortunately, it remains an all too real and living nightmare for the 27 million people, this is hard to believe, who have fallen victim to some form of slavery and who represent the highest concentration of slaves in the entirety of human history. We have more slaves now than we did at any point in history and this is supposed to be a civilized period.

Trafficking in persons is a highly profitable subset of organized crime accounting for an estimated $13 billion in revenues every year to the global economy, $7 billion of which is a direct result of the illicit sex trade alone. In addition, human slavery is the third largest form of illegal trafficking closely trailing the drug trade and illegal gun distribution.

Because of the enormous profitability of this industry, slave holders will stop at nothing to traffic as many slaves as possible by tricking and victimizing innocent people into lives of servitude by preying on the most economically disadvantaged members of society. As soon as victims are deprived of the opportunity to return to their homes, they are forced into domestic servitude, sweatshop labor, prostitution and other types of compulsory labor.

This crisis has affected every nation in the world in some form including many industrialized and developed nations such as the United Kingdom, Australia and the United States. No country is immune from the detriments of these illegal practices.

Although slavery in all its forms was outlawed nearly 130 years ago in the United States, approximately 14,500 to 17,500 men, women and children are suspected to be trafficked across American borders every single year. While any instances of these horrific crimes are deplorable, this is a relatively low number compared to many other industrialized nations.

Even so, the current administration led by President George W. Bush is still not taking these offenses lightly. For the first time in history, the President addressed this problem head on before the United Nations on September 23 last year. In his groundbreaking speech, the President stated, "There is a special evil in the abuse and exploitation of the most innocent and vulnerable. Those who created these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others and governments that tolerate this trade are tolerating a form of slavery."

Under the firm guidance of President Bush, the U.S. Federal Government has taken many actions to further curve instances of slavery within our own borders. On October 28, 2000, then President Clinton signed into law the Trafficking Victims Protection Act of 2000 sponsored by my good friend who is here with us today, Representative Chris Smith of New Jersey. This groundbreaking legislation has been instrumental in combating human trafficking by supplying the first step toward providing protection to victims of these crimes as well as strengthening the law with regard to the prosecution of those who perpetrate these illicit activities. The bill also requires the Department of State to submit an annual report to Congress regarding the status of trafficking in persons around the world.

To address the Department of State actions to combat trafficking as well as to discuss the recently released Trafficking in Persons Report, the subcommittee has the pleasure today of hearing from my former colleague, the Honorable John Miller whom I just recognized, Director of the Office to Monitor and Combat Trafficking in Persons and a former Member of Congress who represented the First District of Washington back in 1985–1993 and he is going to speak on these issues.

The Trafficking Victims Protection Act not only provided agencies with tools to further monitor and combat instances of trafficking, but it also gave the necessary resources to provide assistance to the victims of trafficking. Through the Department of Health and Human Services, victims and certain family members are eligible for benefits and services such as medical care, refugee cash and other social services. The subcommittee is pleased today to hear from the Honorable Christopher Gersten, Principal Deputy Assistant Secretary of the Administration for Children and Families at HHS. Welcome, Mr. Gersten. He is going to inform us of the agency's programs to assist victims of these horrible crimes and improve the quality of their lives.

In December of last year, Congress passed H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003 which authorized continued appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000. In addition the reauthorization of certain programs, this new law added even more initiatives to the Government's anti-trafficking agenda. Some of the new measures include further campaigns to combat sex tourism, harsher punishments for those convicted of trafficking offenses and expanded eligibility for victims and certain family members for access to further access. Chris, you worked on that one as well.

The act also dictated that the Attorney General must submit an annual report of their activities to combat trafficking to Congress. The first report was released in May of this year and it gave us an idea to gain further perspective on this report and the agency's current activities and programs regarding human slavery.

We have the pleasure today to hear of that report from the Honorable R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, Department of Justice. Thank you for being here.

Not only has the Federal Government worked to strengthen its own policies and programs on trafficking, but it also has worked alongside non-governmental organizations and NGO's to further address this illicit industry and to enhance the quality of life for victims of these crimes. To better understand these relationships, the subcommittee will receive testimony from Mr. Charles Song of the Coalition to Abolish Slavery and Trafficking and with the assistance of private donors and the Federal Government CAST has established the first ever shelter for victims of trafficking in the United States.

In addition to CAST, the subcommittee will also be hearing this afternoon from Mr. Derek Ellerman with the Polaris Project to discuss their activities on the multi-faceted topic of human slavery. The subcommittee is also going to receive testimony from Ms. Michele Clark, co-director, Protection Project at the Johns Hopkins

University School of Advanced International Studies to speak on the public policy implications of trafficking in the United States.

As I stated before, trafficking in persons is a human rights tragedy that must be eliminated. President Bush's administration, the U.S. Federal Government and NGO's like those with us today have comprehensively responded to these crimes and should be congratulated for their work on this important issue.

This is something we really need to illuminate. We are going to try to have more hearings on this in the future. I hope we will try to keep this on the front burner so that we can do something toward eliminating this tragedy.

With that, I will yield to my colleague, Ms. Watson.

[The prepared statement of Hon. Dan Burton follows:]

Opening Statement
Chairman Dan Burton
Government Reform Committee
Subcommittee on Human Rights & Wellness
"Trafficking in Persons: The Federal Government's Approach to Eradicate this Worldwide Problem"
July 8, 2004

The Subcommittee is convening today to once again examine the atrocious practices of human trafficking and slavery around the world, and to discuss how the United States is attempting to combat these illicit practices both domestically, and on an international scale.

The notion that slavery is still practiced in these modern times is nearly unbelievable in most people's minds. But unfortunately, it remains an all to real and living nightmare for the 27 million people who have fallen victim to some form of slavery, and who represent the highest concentration of slaves in the entirety of human history.

Trafficking in persons is a highly profitable subset of organized crime, accounting for an estimated $13 Billion in revenues every year to the global economy, $7 Billion of which is a direct result of the illicit sex trade alone. In addition, human slavery is the third largest form of illegal trafficking, closely trailing the drug trade and illegal gun distribution.

Because of the enormous profitability of this industry, slaveholders will stop at nothing to traffic as many slaves as possible by tricking and victimizing innocent people

into lives of servitude by preying on the most economically disadvantaged members of society. As soon as victims are deprived of the opportunity to return to their homes, they are forced into domestic servitude, sweatshop labor, prostitution, and other types of compulsory labor.

This crisis has affected every nation in some form, including many industrialized and developed nations such as the United Kingdom, Australia, and even the United States. No country is immune from the detriments of these illegal practices.

Although slavery in all its forms was outlawed nearly 130 years ago in the United States, approximately 14, 500 to 17,500 men, women, and children are suspected to be trafficked across American borders every year. While any instances of these horrific crimes are deplorable, this is a relatively low number compared to many other industrialized nations.

Even still, the current Administration, led by President George W. Bush, is not taking these offenses lightly. For the first time in history, the President addressed this problem head-on before the United Nations on September 23, 2003. In his groundbreaking speech, President Bush stated:

"There is a special evil in the abuse and exploitation of the most innocent and vulnerable…Those who created these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the

misery of others. And governments that tolerate this trade are tolerating a form of slavery"

Under the firm guidance of President Bush, the United States Federal Government has taken many actions to further curb instances of slavery within our own borders. On October 28, 2000, then President Clinton signed into law the "*Trafficking Victims Protection Act of 2000*" (Public Law 106-386), sponsored by my dear friend and colleague Representative Chris Smith of New Jersey. This groundbreaking legislation has been instrumental in combating human trafficking by supplying the first step toward providing protection to victims of these crimes, as well as strengthening the law with regard to the prosecution of those who perpetrate these illicit activities. The bill also requires the Department of State to submit an annual report to Congress regarding the status of trafficking in persons around the world.

To address the Department of State actions to combat trafficking, as well as to discuss the recently-released T*rafficking in Persons Report*, the Subcommittee has the pleasure of hearing from my former colleague, the Honorable John Miller, Director of the Office to Monitor and Combat Trafficking and former Member of Congress representing the 1st District of Washington (1985 – 1993) to speak on these issues.

The *Trafficking Victims Protection Act* not only provided Agencies with tools to further monitor and combat instances of trafficking, but it also gave the necessary resources to provide assistance to the victims of trafficking. Through the Department of

Health and Human Services (HHS), victims and certain family members are eligible for benefits and services such as medical care, refugee cash, and other social services. The Subcommittee is pleased to hear today from the Honorable Christopher Gersten, Principal Deputy Secretary for the Administration for Children and Families at HHS, to inform us of the Agency's programs to assist victims of these horrible crimes and improve the quality of their lives.

In December of last year, Congress passed H.R. 2620, the *"Trafficking Victims Protection Reauthorization Act of 2003,"* which authorized continued appropriations for Fiscal Years 2004 and 2005 for the *Trafficking Victims Protection Act of 2000*. In addition to the reauthorization of certain programs, this new law added even more initiatives to the government's anti-trafficking agenda.

Some of the new measures include: further campaigns to combat sex-tourism, harsher punishments for those convicted of trafficking offenses, and expanded eligibility for victims and certain family members for access to further services and funds.

The Act also dictated that the Attorney General must submit an annual report of their activities to combat trafficking to Congress. The first-ever report was released on May 1, 2004. To gain a further perspective on this inaugural report and the Agency's current activities and programs regarding human slavery, the Subcommittee has the pleasure of hearing today from the Honorable R. Alexander Acosta, Assistant Attorney

General in the Civil Rights Division with the Department of Justice, to expound upon these most important intervention issues.

Not only has the Federal Government worked to strengthen its own policies and programs on trafficking, but it has also worked alongside non-governmental organizations (NGO's) to further address this illicit industry, and enhance the quality of life for victims of these crimes. To better understand these relationships, the Subcommittee will receive testimony from Mr. Charles Sung with the Coalition to Abolish Slavery and Trafficking, also known as CAST. With the assistance of private donors and the Federal Government, CAST has established the first-ever shelter for victims of trafficking in the United States.

In addition to CAST, the Subcommittee will also be hearing this afternoon from Mr. Derek Ellerman with the Polaris Project to discuss their activities on the multi-faceted topic of human slavery. The Subcommittee will also receive testimony from Ms. Michele Clark, Co-Director of the Protection Project at the Johns Hopkins University School of Advanced International Studies, to speak on the public policy implications of trafficking in the United States.

As I stated before, trafficking in persons is a human rights tragedy that must be eliminated. President Bush's Administration, the U.S. Federal Government, and NGO's like those with us today, have comprehensively responded to these crimes, and should be congratulated for their work on this most important issue. I certainly hope that these

successes continue, and I look forward to hearing about their latest collective efforts to eliminate the scourge of slavery and human trafficking from the face of the earth.

Ms. WATSON. Thank you so much, Mr. Chairman.

I certainly appreciate your determined efforts to promote awareness on the subject of human trafficking. Many people equate trafficking with other countries' problems. In addition to the international conflict, we have trafficking problems here at home as well as abroad and we must address them also.

The United States is a major and growing source of trafficking activities with some 14,500 to 17,500 victims of trafficking entering the United States annually. According to the State Department's Fourth Annual Trafficking I Person's Report, most women and children trafficked to the United States come from Southeast Asia and the former Soviet Union. About half of those are forced into sweatshop labor and domestic servitude. The rest are forced into prostitution and the sex industry. Women trafficked to the United States most often wind up in New York, Florida, North Carolina, Hawaii and my own State of California. Los Angeles is a major area of human trafficking activities.

The National Center for Missing and Exploited Children has provided the committee with some disturbing statistics of missing children. In my own State, the Center lists 292 missing children and 26 are from my area in Los Angeles or my district. With a busy Tom Bradley International Airport, and the close proximity of the Mexican border, there are several available pathways to traffic and exploit my constituents.

Although there is a large problem to be addressed, I am optimistic for progress in the battle to stem human trafficking. Mr. Chairman, I want to thank you for your constant attention to this particular concern and issue.

In 1998, the Clinton administration and Congress launched a governmentwide anti-trafficking strategy of prevention, protection and support for victims, plus prosecution of traffickers. The resulting legislation was the Victims of Trafficking and Violence Protection Act of 2000. As a result of one of the more important provisions, the State Department issued its fourth congressionally mandated annual report on worldwide trafficking in June. The current delineation of Tier 1, Tier 2 and Tier 2 Watch List and Tier 3 nations is providing a stronger spotlight on the worldwide problem.

On December 19, 2003, Congress passed H.R. 2620, or the Trafficking Victims Protection Reauthorization Act of 2003. This authorization for appropriations allows for fiscal funding in 2004 and 2005 of the Trafficking Victims Protection Act of 2000.

Recently, the U.S. Government has taken a number of serious and significant actions to combat trafficking occurring at home. For example, the Department of Justice has focused on increasing the number of trafficking victims rescued and the number of prosecutions and convictions of the traffickers.

The Department of Health and Human Services is running a major public awareness campaign to alert victims in the United States that help is available through a new hotline number. These positive steps must be continued and expanded until the problems are eliminated.

Mr. Chairman, I join with you to monitor and assist governmental attention to the issue of human trafficking. This worldwide problem must be fought on two battle fronts, one internationally

but most of all our own domestic side. The nature of this crime intertwines the two battles requiring equal attention to both fronts.

I look forward to the testimony that we will gather today and I commend the efforts of all who challenge the perpetrators and assist the victims of this atrocious criminal activity.

Thank you, Mr. Chairman and I yield back my time.

[The prepared statement of Hon. Diane E. Watson follows:]

Government Reform Subcommittee
Human Rights and Wellness
Hearing on Human Trafficking and the U.S. Government
Opening Remarks
July 8, 2004
Congresswoman Diane E. Watson

Thank you Mr. Chairman. I appreciate your determined efforts to promote awareness on the subject of human trafficking. Many people equate trafficking with other countries problems. In addition to the international conflict, we have trafficking problems at home that must be addressed also.

The United States is a major and growing source of trafficking activities with some 14,500 to 17,500 victims of trafficking entering the United States annually. According to the State Department's Fourth Annual Trafficking in Person's Report, most women and children trafficked to the United States come from Southeast Asia and the former Soviet Union. About half of those are forced into sweatshop labor and domestic servitude. The rest are forced into prostitution and the sex industry. Women trafficked to the United States most often wind up in New York, Florida, North Carolina, Hawaii, and California. Los Angeles is a major area of human trafficking activity.

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Although there is a large problem to be addressed, I am optimistic for progress in the battle to stem human trafficking. In 1998, the Clinton Administration, and Congress, launched a government-wide anti-trafficking strategy of prevention, protection, and support for victims, plus prosecution of traffickers. The resulting legislation was the Victims of Trafficking and Violence Protection Act of 2000. As result of one of the more important provisions, the State Department issued its fourth congressionally mandated annual report on worldwide trafficking this June. The current delineation of Tier 1, Tier 2, Tier 2 Watch List, and Tier 3 nations is providing a stronger spotlight on the worldwide problem.

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Mr. Chairman, I will join with you to monitor, and assist, governmental attention to the issue of human trafficking. This worldwide problem must be fought on two battlefronts, one domestic and the second international. The nature of this crime intertwines the two battles requiring equal attention to both fronts. I look forward to the testimony that we will gather today, and I commend the efforts of all who challenge the perpetrators and assist the victims of this atrocious criminal activity.

Thank you, and I yield back.

Mr. BURTON. Thank you, Ms. Watson.

As I introduce Chris Smith, let me say that there is nobody I have met in my tenure here in Congress that has worked harder on human rights issues than Chris Smith. He has worked hard on the slavery issues, worked hard on the people who have been put into gulags in China and elsewhere and there is nobody who works harder than Chris. We are happy you are here with us today, Chris.

Mr. SMITH. Thank you very much for your kind remarks and thank you for your leadership because as some of you may know, we sit next to each other on the International Relations Committee and there is never anything that separates us. We work together on these issues including human trafficking. It is no surprise that you are again taking the lead with this hearing and the good work you have done.

There is a close correlation obviously between this and the good work you do on the abduction cases, particularly the hearing we had just the other day and you were very prominent in that. So I want to thank you for your leadership, as well as the ranking member with whom I have traveled and have a great deal of respect for.

I would say to my colleagues very briefly that you and the ranking member have very adequately described the Trafficking Victims Protection Act of 2000 and the Reauthorization and Expansion Act of 2003. It is indeed comprehensive, it is landmark. It tries to give the tools to all agencies of government to vigorously prosecute those who commit these heinous acts of trafficking in human persons while simultaneously ensuring the women, and it is usually the women, are treated as the victims and provided safe haven and protective services, all while we work on prevention.

Certainly the tools are there and I want to especially thank my good friend and former colleague, John Miller, soon to be Ambassador John Miller, for his leadership, for the fire in the belly that he has exhibited in carrying out his mandate as Director of the TIP office. He has been extraordinary.

To our other distinguished witnesses, as well, thank you so much for your leadership and for doing so much.

I would announce to the committee and I am sure you are aware, over a year ago, and President Bush never gets credit for this and it really bothers me, announced through a Presidential Directive, a zero tolerance policy when it comes to trafficking and that has had particular application in our military. There has been an ongoing effort both in South Korea, for our deployments in Bosnia and everywhere else in the world to ensure there is absolutely no complicity in trafficking and as a direct result of the policy enunciated by President Bush, Secretary Wolfowitz put out a memorandum January 30 that went into greater detail and a great victory was just realized in NATO on June 28 with a great assist from Ambassador Nicholas Burns in Brussels with a new zero tolerance policy for NATO. So these peacekeeping deployments and very often the traffickers as we know look for the men in uniform to sell, the Russians, the Moldavians, the others who have been trafficked, the Filipinos, and now NATO too has a zero tolerance policy. Next in line will be the United Nations peacekeeping so that they too will

join the world to ensure there is absolutely no complicity in this egregious crime.

I would ask that the statement or the broad outline of the policy that NATO has just approved be made a part of the record.

Mr. BURTON. Without objection.

[The information referred to follows:]

Updated: 04-Aug-2004

NATO Policy document

Policy document

29 June 2004

NATO Policy On Combating Trafficking In Human Beings

Events

- NATO Istanbul Summit

Official texts

- 29/006/04 - NATO Chairman's statement of the meeting of the Euro-Atlantic Partnership Council at Summit level

1. This NATO policy takes into account the universal condemnation of the crime of trafficking in human beings and reiterates that it constitutes a serious abuse of human rights, especially affecting women and children. It is a transnational problem, requiring concerted multilateral action if it is to be defeated. Trafficking in human beings, affects countries of origin, countries of transit and countries of destination. This modern day slave trade fuels corruption and organised crime. It has the potential to weaken and destabilise fragile governments and runs counter to the goals of NATO-led efforts especially in South Eastern Europe. A zero-tolerance policy regarding trafficking in human beings by NATO forces and staff, combined with education and training, is required.

2. Allies reaffirm their commitment to promoting peace and security in the Euro-Atlantic Area and to combating the trafficking in human beings and agree the following policy. NATO will support and sustain further development of practical cooperation between nations and between NATO and other international institutions such as the UN, OSCE and International Organisation for Migration. NATO will also consult with NGOs active in this field with a view to improving its existing mechanisms and measures for the implementation of the present policy. Close exchange of information and experience between NATO and the EU should also be developed in accordance with agreed procedures.

3. This policy on combating the trafficking in human beings aims to reinforce efforts by NATO and individual nations to prevent and combat trafficking and the commitments undertaken in the context of other international organisations including the "UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime". and the OSCE Action Plan to Combat Trafficking in Human Beings. NATO and non-NATO troop contributing nations will develop and implement various measures that discourage the demand by their military and civilian personnel that fosters all forms of exploitation of persons.

4. In the context of this policy trafficking means, the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the

threat of use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

5. This policy is developed by NATO in consultation with its Partners and nations contributing forces to NATO-led operations. Allies re-affirm their commitment to ratification, acceptance or approval of the UN Convention and relevant Protocol and agree:
   a. to review national legislation and report on national efforts to meet obligations associated with the UN Convention and its Protocol in accordance with the relevant decisions taken by the Parties to those treaties;

   b. to encourage all nations contributing forces to NATO- led operations to ratify, accept or approve the UN Convention Against Organised Crime and relevant Protocol and adhere to the OSCE Code of Conduct;

   c. that this policy is aimed at securing standards of individual behaviour;

   d. that all personnel taking part in NATO led-operations should receive appropriate training to make them aware of the problem of trafficking and how this modern day slave trade impacts on human rights, stability and security, as well as being informed of their own responsibilities and duties and the respective responsibilities of International Organisations in this field;

   e. in the conduct of operations, to continue efforts, within their competence and respective mandates, to provide support to responsible authorities in the host country in their efforts to combat trafficking in human beings;

   f. to incorporate contractual provisions that prohibit contractors from engaging in trafficking in human beings or facilitating it and impose penalties on contractors who fail to fulfil their obligations in this regard; and

   g. to evaluate implementation of their efforts as part of the ongoing reviews carried out by the competent authorities.

6. In order to ensure maximum effectiveness of the present policy, NATO nations commit themselves to ensure full national implementation of this policy. Non-NATO Troop contributing nations are expected to take similar steps upon joining a NATO-led operation.

7. NATO personnel serving at NATO Headquarters and its Agencies as well as those taking part in NATO led operations should continue to conduct themselves with regard to the highest professional standards and with respect to national as well as international law.

Related information:

- Appendix 1: NATO Guidelines on combating trafficking in human beings for military forces and civilian personnel deployed in NATO-led operations
- Appendix 2: NATO Guidance for the development of training and educational programmes to support the policy on combating the trafficking in human beings
- Appendix 3: Guidelines for NATO staff on preventing the promotion and facilitation of trafficking in human beings

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Mr. SMITH. Again, thank you.

Mr. BURTON. Thank you, Mr. Smith. Once again, I appreciate all the hard work you do and everybody should.

My colleague, the young Mr. Pence from Indiana, who dies his hair gray so he will look more mature, is with us. He is very active in human rights issues. Mr. Pence, do you have an opening remark?

Mr. PENCE. Thank you, Chairman, for the courtesy of this invitation. This is an issue that I have admired your leadership on for many years and that of my other colleagues and the panel. I am grateful to have the opportunity to participate.

Mr. BURTON. Thank you.

Without further ado, I would like to swear you in. We would like to keep the opening remarks to around 5 minutes if we can so we can get to the questions and answers as quickly as possible.

[Witnesses sworn.]

Mr. BURTON. We will start with my former colleague, Mr. Miller.

STATEMENTS OF JOHN MILLER, DIRECTOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE; R. ALEXANDER ACOSTA, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, DEPARTMENT OF JUSTICE; AND CHRISTOPHER GERSTEN, PRINCIPAL DEPUTY ASSISTANT SECRETARY, ADMINISTRATION FOR CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. MILLER. Thank you for having this hearing.

I think there are thousands of victims throughout the world that thank you. If they knew that you were holding this hearing, they would get new hope. Every time you hold a hearing on this issue, you bring a spotlight and indirectly, sometimes directly, you are helping to rescue the victims and put the traffickers in jail.

We are going to talk in this hearing about reports and figures and all that. I have had the privilege in the last 16–17 months in this job of traveling to countries in different parts of the world and coming to realize that this is more than reports and figures, it is about individual human beings. When you meet with some of the people described in this last report, girls and boys like Khan, taken hundreds of miles from Laos to Thailand, dumped in a Bangkok embroidery factory working 14 hours a day, beaten, industrial chemicals dumped on them; when you meet with now a young lady but formerly a teenager named Katia taken from the Czech Republic trafficked to the Netherlands, forced into brothels through the threat against her own child, forced to service hundreds and thousands of men, you understand why this is emerging as one of the premiere human rights issues of the century.

It does extend to every country in the world. There is all kinds of slavery, domestic servitude slavery, child soldier slavery, forced labor slavery, camel jockey slavery and what we now believe is the largest form of slavery, sex slavery. It does reach more of the female gender. We estimate close to 80 percent of the victims are women. Around half are children.

The President, as you mentioned, last fall became the first world leader to speak out on this issue at the United Nations to urge na-

tions to cooperate. It has been my privilege in the last year to wear a couple of hats, first, because of your efforts Congressman Smith and others, there is the Senior Policy Operating Group that was set up that I am privileged to chair that involves all the agencies of the U.S. Government involved in this.

At the President's directive, every one of these agencies has come up with a strategic implementation plan to fight trafficking in persons as it is euphemistically referred to or slavery. Pursuant to those plans, you will hear more about this, you have the Department of Justice having tripled its prosecutions in the last 2 years, you have the Department of Health and Human Services reaching out in the four major cities trying with media campaigns to reach potential victims. You have the Department of Defense as Congressman Smith mentioned issuing a zero tolerance policy. You have this group coordinating when the President announced at the United Nations General Assembly a major initiative to fight trafficking in persons abroad, help the NGO's abroad in rescuing victims and caring for victims. These gentlemen to my left are going to talk more about that.

Let me go in the remainder of my time to one of the State Department's focuses. Along with running a modest amount of programs abroad on protection and prosecution and prevention, we issue this annual report every year that you referenced. This report was required by you and I want you to know that it has had some results. Yes, the problem is huge, let us not underestimate it, but after this report which we discussed a year ago, countries in Tier 3 including some major allies like Greece and Turkey took some tremendously significant steps, law enforcement training programs, public service announcements to victims, prosecutions, convictions, new shelters, etc. This year in the months preceding this report, 24 new countries passed anti-trafficking in persons legislation. This past year there were almost 8,000 prosecutions around the world and almost 3,000 convictions.

In the report this year, along with our traditional features, we have some new sections, heroes in the fight against trafficking in persons and Congresswoman Watson referred to the Tier 2 Watch List which Congress put in the reauthorization bill and I had some skepticism about but I think it is working very well because this Tier 2 Watch List is helping address the problem which you all recognized that there were Tier 1 countries that met minimum standards, Tier 3 they were make no significant efforts, Tier 2 making significant efforts, Tier 2 was getting bigger and bigger. This Tier 2 Watch List allowed us to deliver a warning to countries that are in danger of falling to Tier 3, at the bottom of Tier 2. I think that is having an impact. You will see some very large countries are on the Tier 2 Watch List, Japan, India, Russia, for example.

In the report this year there is also more law enforcement evidence. You mandated that. It is not easy to collect but there is far more information on prosecutions and convictions and sentences than we have had in the past.

Last, a word on where we are going, new efforts. We hope this coming year, the Secretary of State, the President, we hope to focus more on the demand side of the slavery issue. Yes, there are source countries, many of them less developed, but slaves end up in ad-

vanced countries, in wealthy countries. We want to focus more on the destination countries and when it comes to demand, as the President said at the United Nation's General Assembly, we want to focus more on child sex tourism which is one of the major drivers of slavery. Again, we can work with countries where the sex tourist facilities are, the Cambodias, the Thailands, the Costa Ricas, the Gambias, but where are the tourists coming from? The tourists come from the Netherlands, Germany, the United Kingdom, the United States and Japan. So we want to focus on the demand side of trafficking in persons.

It has been 4 years since this report was mandated. Let us be realistic. There is so much more to do. There are so many more victims to save and rescue, so many more traffickers to be thrown in jail, but in the last several years with the United States taking the lead, you are starting to see governments around the world awaken to this issue and pushed by NGO's starting to do some things leading to the abolition of slavery.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Miller follows:]

Trafficking in Persons: The Federal Government's Approach to Eradicate This Worldwide Problem

Testimony by John R. Miller
Director
Office to Monitor and Combat Trafficking in Persons
Department of State

House Committee on Government Reform
Subcommittee on Human Rights and Wellness

July 8, 2004

Thank you, Mr. Chairman. It is my honor to be here today to talk about America's leadership in the global effort to eradicate trafficking in persons.

It is nearly impossible for me to begin a discussion of this modern-day form of slavery without presenting the human face of the issue, because it is, after all, real women, real children, and real men we are fighting for.

When you see, as I have, young girls and boys like Khan, who have been trafficked into forced labor, subjected to inhumane working conditions, brutally abused, even scarred by industrial chemicals deliberately poured on them, you must speak out on their behalf.

When you see, as I have, teenage girls and young women like Katya, who have been trafficked into commercial sexual exploitation, threatened with their lives and the lives of their children, forced to service unthinkable numbers of men day after day, and cruelly treated, you are compelled to oppose this crime.

When you see, as I have, people from all corners of the globe, trafficked — bought and sold — forced into domestic servitude, child soldiering, camel jockeying, and other devastating situations, you become nothing less than a 21st century abolitionist.

President Bush has eloquently set the tone for U.S. action on this issue. At the United Nations General Assembly in September, he said to the world, "We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time."

I'm here today to give you an overview of U.S. efforts to fight back this old evil. And while we have much yet to do, under the leadership of Congress and the President, you'll see we have gotten off to a very real start in ending this scourge.

The Office to Monitor and Combat Trafficking in Persons
I'll begin with the efforts of my office in the State Department, the Office to Monitor and Combat Trafficking in Persons, which was created by the Trafficking Victims Protection Act.

First, we are monitoring worldwide human trafficking patterns and issuing a comprehensive annual report in order to stimulate increased action by foreign

governments and regional coordination. This report has achieved some very promising results. For instance, in the months leading up to and directly following the 2003 *Trafficking in Persons Report*, we saw a surge in government activity around the world: the passage of new anti-trafficking laws, increased prosecutions of traffickers, national public service announcements and much more. Whether it was countries' own awakening to the issue or their desire to improve their rating on our report, we can't say for sure. But what we do know is the report has become an invaluable diplomatic tool the State Department uses to accelerate progress abroad.

The 2004 report, which was released by Secretary Powell last month, has been expanded to include 140 countries, and, as in the past, we are working vigorously with governments to achieve positive actions. This year you will notice some new features in the report: more reports from victims, new best practices, and stories of individual heroes in the struggle against human trafficking.

With your help through the reauthorization of the TVPA, the report is stronger than ever before. In addition to giving us tougher minimum standards with which to rate countries, you also gave us a tool called the Special Watch List. We have used it with particular success to flag countries most at risk of falling into Tier 3 by putting them on the Tier 2 Watch List, which is part of the Special Watch List. This is getting attention.

In addition to the report, a second core function of my office is coordinating U.S. financial assistance to support anti-trafficking programs around the world. With fiscal year 2003 funding, the U.S. obligated more than $70 million to anti-trafficking in persons efforts, boosting our total to more than $150 million over two years. USAID and the Departments of State, Labor, Justice, and Homeland Security are involved in these efforts in foreign countries. We are investing in prevention, protection, and prosecution to stop the flow of new people into trafficking, to ensure they are safe once rescued from slavery, and to ensure justice is served by putting traffickers in jail for significant amounts of time.

Finally, my office takes its mandate to increase public outreach very seriously. We are literally reaching millions of people around the world through media, public speaking engagements, and other communications efforts. This public outreach is leveraged to increase the effectiveness of the report and assistance programs. It is shining a bright light on this problem, accelerating our momentum.

Senior Policy Operating Group
In addition to my role as director of the TIP Office, I serve as chairman of the Senior Policy Operating Group, which implements the policies set forth by the President's Interagency Task Force on Trafficking in Persons headed by Secretary Powell.

From this perspective, I can tell you that each of the 11 U.S. government agencies involved in anti-trafficking in persons efforts has developed a strategic plan to guide its anti-TIP efforts. Through the SPOG, we are working to coordinate these plans and all of our actions to end modern-day slavery.

A couple of important SPOG developments to note. First, we are bringing new energy to fighting trafficking in persons by coordinating our grant programs. We are analyzing where funds are most needed, where governments have the will and capacity to participate, and where we can have the most impact for victims.

Secondly, we are making the fight against child sex tourism a top priority. This heinous type of human trafficking highlighted by President Bush's speech to the U.N. General Assembly involves people traveling to foreign countries to pay for sex with children. By U.S law, and by international agreement, all children under 18 who are exploited for commercial sex are considered trafficking victims, and we are working to stop this abuse.

We are also increasing attention to the "demand" side of modern-day slavery and how consumer countries have a responsibility just as source countries do. These are important directions, and the Senior Policy Operating Group is committed to seeing them through.

Conclusion
In just four years since we began issuing a report on human trafficking, nations have found so much common ground, and so many countries that did not recognize their slavery problems four years ago are now committed to eradicating it. The U.S. has dramatically increased its efforts as well, investing significant amounts of money internationally to fight human trafficking.

Domestically, the Department of Homeland Security has taken an aggressive approach to the worldwide problem of human trafficking investigating and providing short- and long-term immigration relief to trafficking victims as well as arresting, processing, detaining, and removing undocumented traffickers from the United States. Additionally, the Department of Health and Human Services has

launched a public awareness campaign to help rescue victims, including the first national 24-hour hotline. In comparing the last three fiscal years to the previous three fiscal years, the Department of Justice has nearly tripled the number of prosecutions of human traffickers. The Department of Defense has issued a zero-tolerance policy on trafficking in persons for its 3,000,000 service members, civilian employees and contractors, and Defense personnel overseas receive education and training on human trafficking.

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

I am now happy to take your questions.

Mr. BURTON. Mr. Acosta.

Mr. ACOSTA. Thank you.

Let me echo my colleagues' words and thank you for calling this hearing. It is so important to shed light on this issue as we search out and seek victims. One of the challenges we face is that too many Americans don't realize the existence and the magnitude of this issue, so hearings like this really are a great step toward calling attention to what is a critical issue.

Technically, human trafficking is the acquisition or holding of human beings through the use of threat, of force, fraud or coercion. I think it is important to put the law aside and to try to put a human face on this. In my office, I have a picture I sometimes use when I am talking about trafficking in persons. It is a picture of a small room, not much larger than a twin bed. There are three walls, the fourth isn't even a wall, it is a ragged curtain that separates that room from the rest of the house. In this small room, one of the victims in one of our cases was held captive. The victim was a girl approximately 14 years old. She was smuggled into this country by men who brought her from Mexico. In that room, the same room where she slept every night, she was forced to have sex with up to 30 men per day, day after day after day. Then she slept there at night.

Next to the small twin bed there is a night stand, the only other piece of furniture in this room. On the night stand there is a teddy bear. This 14 year old girl kept that teddy bear because that was what reminded her of her childhood. She no longer thought of herself as a child. Next to the teddy bear, the picture shows a roll of paper towels. That is human trafficking. It is evil and I don't use the word evil lightly. It is evil, it is hideous, it is modern day slavery and it takes place right here in America. As I said, too many Americans are aware neither of its existence or its magnitude. We have estimates that almost 15,000 individuals, as Congresswoman Watson mentioned, mostly women and children are trafficked into our Nation each year. Human traffickers are peddlers in this human misery and they seize their victims by threat, by trick and smuggle them across our borders in loathsome conditions often selling them from trafficker to trafficker, sometimes repeatedly.

We at the Department of Justice over the past several years have dedicated substantial resources to prosecuting these traffickers and the results are beginning to follow. Since January 2001, we have charge 149 human traffickers, more than a tripling of the rate. This year alone we have charged 39 human traffickers and our conviction rate thus far is 100 percent, a testament to the men and the women in my criminal section who prosecute these crimes. We currently have 168 open trafficking investigations, a number which shows that the number of charges will increase.

I think it is important to recognize that this is only a beginning. Fifteen thousand individuals are trafficked into the United States. We are proud that we have tripled our rate of prosecution but we must and we are doing much more. This year we have implemented an approach that sets up task forces in various cities throughout the country in cities where we think the trafficking is most likely to occur. We have established so far, four task forces

and by the end of this year, we hope to establish well over a dozen task forces throughout the Nation.

These task forces are critical because they allow us to be much more proactive, much more aggressive in seeking out those dark places where the traffickers lurk. The task forces rely heavily on State and local law enforcement. These are the police on the streets, the police who know their communities, the police that know those dark places where the traffickers lurk and who know those places where traffickers are likely to be that we must investigate and raid.

These task forces also rely very heavily on NGO's because NGO's are critical to this effort. NGO's are not only service providers that help rescue and restore the victim but NGO's have a great and vast wealth of knowledge about the local communities, about where the traffickers may be found. NGO's are often the first people to whom a trafficker turns for help. Trafficking victims are fearful, they are disoriented. They are far from home, they don't speak the language, they are here without documentation, they are afraid. They are often going to turn to an NGO or to a faith-based group for help. So our task forces need to work with these faith-based groups.

Let me say one thing though. Vigorous prosecutions are only a start. These convictions aren't going to heal the pain, the emotional scarring or the suffering that these women, these girls, these victims have been through. A victim-centered approach is critical. The work of my colleague at HHS, the work of service providers is critical but it is critical that our prosecutors at the Department of Justice also understand and implement and begin with a victim-centered approach.

Victims typically are going to be distrustful. Interviewers and prosecutors who address this issue must be sensitive to victims' needs and must understand that unlike some victims of crime, trafficking victims may not immediately be ready to assist police. So our victim-centered approach requires prosecutors to talk to victims again and again to find out what the true story is. It requires prosecutors to work with HHS and with service providers to ensure that victims of these crimes are kept safe.

Under our victim centered approach, it is the policy of the Department of Justice that individuals who have been subject to a severe form of trafficking as outlined in the TVPA are victims and they are to be treated as victims. That is what they are and they are entitled to all the protections and benefits of that statute.

Our record on this front is very strong. To date, the Civil Rights Division has helped in the granting of 430 continued presence requests on behalf of victims. The Civil Rights Division and other law enforcement agencies have helped 518 trafficking victims from 34 countries secure the benefits assured them under the TVPA. To ensure there is no slippage on this front in our prosecution of victims, I have formally directed that before any Civil Rights Division attorney makes any decision to decline continued presence or makes any decision to decline a law enforcement certification required under TVPA, that declination decision has to be forwarded to my office and to my Deputy Assistant Attorney General that oversees this so

that we know if we are going to decline this, that we really mean to do that because victims need to feel safe and secure.

Allow me to conclude by recalling President Bush's words. His words were alluded to before the United Nations. He spoke of another humanitarian crisis, a crisis spreading yet hidden from view and he warned the nations of the inherent evil in the abuse and exploitation of the most innocent and vulnerable, the victims of sex trade who see so little of life before they see the very worst of life on the ground of brutality and fear. He charged us with eradicating this evil.

Try to picture this and return with me one last time to the small room, the small twin bed, the night stand with the teddy bear and the roll of paper towels. That picture tells us our mission given to us by President Bush to make sure that victims do not have to return to those conditions again.

Thank you.

[The prepared statement of Mr. Acosta follows:]

Department of Justice

STATEMENT

OF

R. ALEXANDER ACOSTA
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

BEFORE THE

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS

COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

COMBATING TRAFFICKING IN PERSONS

PRESENTED ON

JULY 8, 2004

Statement of R. Alexander Acosta
Assistant Attorney General
Civil Rights Division

Subcommittee on Human Rights and Wellness
Committee on Government Reform
U.S. House of Representatives

Combating Trafficking in Persons

July 8, 2004

INTRODUCTION

Thank you Chairman Burton; thank you Ranking Member Watson.

It is a pleasure to appear before the Subcommittee. It is particularly gratifying to have an opportunity to address an issue of such gravity – an issue on which we must all be in agreement.

The trafficking in humans stains the face of our democracy. Traffickers must find no succor, no recourse, and no safe harbor here. As President Bush told the United Nations, "Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time."[1]

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[1] President George W. Bush, Address to the General Assembly of the United Nations, New York (Sept. 23, 2003).

It is my privilege to detail for you the efforts of the Civil Rights Division and the entire Department of Justice to defeat this evil.

* * *

UNDERSTANDING TRAFFICKING IN HUMANS

Let me start with first principles. The Thirteenth Amendment to the United States Constitution reads as follows:

> Neither slavery nor involuntary servitude . . . shall exist within the United States, or any place subject to their jurisdiction.

The vast majority of our Constitution concerns constraints on government and the proper allocation of authority between state and federal governments. But not the Thirteenth Amendment. Its framers, rather, brooked no vestige of the moral scourge that had precipitated the preceding Civil War. Slavery, it said, "shall [not] exist." And yet, the reality is that nearly one hundred fifty years later, slavery in the modern form of human trafficking continues to rear its ugly head within our nation.

The United States Code defines several trafficking-related crimes:

Forced Labor: "Whoever knowingly provides or obtains the labor or services of a person . . . (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process;"

Human Trafficking: ''Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter;"

Sex Trafficking of Children: "(a) Whoever knowingly (1). . . recruits, entices, harbors, transports, provides, or obtains by any means a person; or (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1), knowing that force, fraud, or coercion . . . will be used to cause the person to engage in a commercial sex act, or that the person has not attained

the age of 18 years."[2]

But these sterile, technical definitions fail utterly to capture the depth of human suffering and evil that lie at the root of this horrible crime. Rather, the true nature of this crime can be understood only through the eyes and ears – and indeed all the senses – of its victims.

I have in my office a photograph. The photograph is of a small room – not even a room really, but the corner of a room – three walls and a blanket partition. The space is barely the size of the twin bed it encloses, a bed covered with a few sheets and an old blanket. The photograph is of a trafficking crime scene. The bed is one in which one of our trafficking victims slept – a young girl from Mexico – approximately 14 years of age. It is the same bed in which she was forced to have sex with up to 30 men per day. That is 30 rapes per day. Day, after day, after day. And when she was done, it was the same bed in which she slept.

Next to the bed there is a small nightstand. On the nightstand there are two items. One is a teddy bear. The teddy bear was one of the girl's few possessions. She kept it to remind herself of her childhood. It reminded her of the days when she was just a little girl. Next to the teddy bear was another item: a roll of paper towels, the use of which – to put it delicately – is self-explanatory.

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[2] Trafficking Victims Protection Act of 2000 (TVPA), Pub. L. 106-386 § 112 (18 U.S.C. §§ 1589, 1590, 1591).

That is human trafficking. It is evil. It is hideous. It is a moral outrage. And yet it persists.

Compounding the problem is that, unfortunately, too many Americans are aware of neither its existence, nor of its magnitude. Each year, an estimated 600,000 to 800,000 human beings are bought, sold or forced across the world's borders.[3] Hundreds of thousands of these human beings are young girls, as young as 5, who fall victim to the sex trade. Here in the United States, it is estimated that some 15,000 individuals,[4] mostly women and children, are smuggled into our country and then held captive each and every year.

Human trafficking thus is a problem global in nature, and local in impact. Its victims are brought here from across the world, and they wind up in our own backyards.

Consider, for example, a recent prosecution in New Jersey. Imagine an average middle class American neighborhood, with kids playing, flags fluttering, and a sign reading "safe neighborhoods save lives."

There, on a pleasant street in an ordinary looking house, was a brothel, and in that brothel were trafficking victims: Four Mexican women – girls actually – some as young as 14 years of age. They were lured to the United States with promises of a husband and a better life. Instead, they found captivity and rape.

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[3] United States Department of State Trafficking in Persons 2004 Annual Report.
[4] United States Department of State Trafficking in Persons 2004 Annual Report.

They were forced to have sex with man after man, hour after hour, day after day.

The case was United States v. Jimenez-Calderon. Six principals were convicted; they received sentences of up to 17 years in prison.

Equally disturbing was our recent prosecution in United States v. Soto, a case arising out of Hidalgo County in South Texas. There, too, members of a smuggling ring trafficked Central American women into the United States. They held their victims in trailers, forcing them to work during the day, and repeatedly forcing sex on them at night. When the women tried to seek help, they were beaten, and ordered murdered.

These defendants were also convicted and received sentences of up to 23 years in prison.

While the majority of our cases regard sex trafficking, trafficking for forced servitude is similarly a problem. In United States v. Kil Soo Lee, we obtained convictions in the largest labor-trafficking case ever prosecuted. Lee, a Korean businessman, imported workers, primarily women, from China and from state-owned labor export companies in Vietnam, to work in their garment factory. They charged these women approximately $5,000 to $8,000 for the privilege to work at their Daewoosa factory.

From March 1999 through November 2000, Lee and his employees held over 200 Vietnamese

and Chinese garment workers in a fenced and guarded compound, and employed threats, arrests, deportations, food deprivation, confinement, and beatings to force them to continue to labor. Lee met complaints by arresting and deporting several workers, and by locking-in and cutting-off food for the remainder. On November 28, 2000, Lee ordered his henchmen to beat the Vietnamese and Chinese workers. They did so using sharpened pipes, florescent lights, chairs, and fists, resulting in scores of injured and maimed workers. The beating was so brutal that one young Vietnamese woman lost an eye.

Mr. Lee's sentencing is pending, and two of his thugs are already serving substantial time.

Human traffickers are peddlers in human misery. They seize their victims, by threat or by trick, and smuggle them across borders, often in loathsome conditions. Often they are sold from one trafficker to another, sometimes repeatedly.

Surrounded by an unfamiliar culture, a foreign language, without travel documents or identification, under threat of injury to self or loved ones at home, and generally bereft of any support, victims are forced into labor or sex slavery. That trafficking occurs at all is unjustifiable, and that it occurs here in the in the United States of America is intolerable.

PRIORITIZING PROSECUTION OF HUMAN TRAFFICKING

Trafficking in humans affects not only its immediate victims, but increasingly forms a core part

of a global network of organized and lucrative crime. Its profits often help fuel other illegal activities. The growth of vast transnational criminal networks supported in part by trafficking in persons fosters official corruption and threatens the rule of law.

Indeed, Congress has found that "trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide." Moreover, it is:

> [I]ncreasingly perpetrated by organized, sophisticated criminal enterprises. . . . Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking in persons is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.[5]

It is hardly surprising then that this Administration has ranked combating human trafficking among its top priorities.

President Bush could not have put a finer point on the issue when in his September 2003 address to the United Nations, he said:

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[5] TVPA §§ 102(b)(3),(8)

> There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of sex trade see little of life before they see the very worst of life -- an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.[6]

The Attorney General, likewise, has made a clear and unequivocal commitment to combat human trafficking.

> Human trafficking . . . is an affront to human dignity. The Department of Justice is determined not to stand idly by while the toll in human suffering mounts. Human trafficking victims often are too young, too frightened, too trapped in their circumstances to speak for themselves.[7]

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[6] President George W. Bush, Address to the General Assembly of the United Nations, New York (Sept. 23, 2003).
[7] Attorney General John Ashcroft, Remarks on Human Trafficking, Los Angeles, CA (July 23, 2001).

Our job at the Department is to do what the victims of trafficking cannot: to fight its perpetrators, to bring them to justice, to care for its victims, and to bring some small measure of justice to their interrupted lives.

SUCCESSFUL RECORD OF PROSECUTION

And that is precisely what we have done. We have dedicated substantial resources to the prosecution of human traffickers and results have followed. The Department's record over the last three fiscal years shows the concrete results of that dedication:

- We have charged 110 traffickers. That is nearly a three-fold increase over the previous three fiscal years. Of these, 78 included sex-trafficking allegations. The Department also has charged an additional 39 traffickers so far in FY 2004.

- We have convicted or obtained guilty pleas from 77 defendants. Of these, 59 defendants were found guilty of sex-trafficking charges. That is more than three-and-a-half times as many convictions or guilty pleas as were obtained over the previous three fiscal years. The Department also has convicted or obtained guilty pleas from an additional 27 defendants so far in FY 2004.

- Finally, we expect the number of prosecutions to increase. As of June 2004, the Criminal Section of the Civil Rights Division had 168 open trafficking investigations. This increase

in this number reflects the fact that since the start of the fiscal year, the Department has opened 93 new trafficking investigations.

These prosecutions represent more than just the punishment of wrongdoers; they are a testament to the Department's efforts to repel an assault on our Nation's core beliefs. This point is underscored emphatically by considering the facts at the heart of some our recent prosecutions:

- United States v. Rojas, et al. (Northern District of Georgia) – The Department charged three defendants with conspiracy, sex trafficking, and related immigration charges for smuggling young, undocumented females from Mexico into the United States and forcing them to perform commercial sex acts. One defendant pled guilty and the other two defendants are awaiting trial.

- U.S. v. Salazar-Juarez (Southern District of California) – The Department secured a guilty plea from one defendant for conspiracy to smuggle women into the United States and to harbor and transport them for purposes of prostitution. In addition, the defendant pleaded guilty to two counts of harboring undocumented individuals. The defendant, along with his brother, who is a fugitive, recruited women from Mexico, transported the women into the United States, and provided the women with apartments in the United States for the purpose of operating a prostitution ring in the Vista, California, area. The defendant was sentenced to 24 months in prison.

- U.S. v. Bradley and O'Dell (District of New Hampshire) – The Department obtained convictions against two defendants who operated a tree cutting business for holding two Jamaican immigrants in conditions of forced labor and document servitude in Litchfield, New Hampshire. The defendants obtained workers from Jamaica by means of false promises of good work and pay. Once the workers arrived in New Hampshire, their visas and other documents were confiscated and the workers were paid substantially less than promised, housed in deplorable conditions, denied medical treatment, and routinely threatened with physical violence. The defendants were both sentenced to 70 months in prison and ordered to pay a $12,500 fine and $13,052 in restitution.

- U.S. v. Martinez-Uresti and DeHoyos (Western District of Texas) – The Department secured guilty pleas from two defendants for conspiring to smuggle, transport, and harbor undocumented individuals into the United States where they were forced to perform commercial sex acts. One defendant was sentenced to 108 months in prison.

- U.S. v. Trisanti and Nasution (Central District of California) – The Department secured guilty pleas from two defendants charged with harboring undocumented individuals. Defendant Trisanti was also charged with involuntary servitude and visa fraud. Between 1996 and 2003, the two defendants allegedly trafficked two victims into the United States from Indonesia and forced them to work as domestic servants against their will, by using threats and physical violence. Additionally, defendant Trisanti allegedly told the victims that they were not free to leave and seized their passports.

- U.S. v. Guzman, et al. (Northern District of Georgia) – The Department charged four defendants with conspiring to transport and harbor undocumented individuals, sex trafficking, harboring aliens for prostitution, transportation for immoral purposes, and smuggling and transportation for smuggling three females, including two girls, from Mexico into the United States and forcing them to engage in commercial sex acts in the Atlanta metropolitan area. One of the four defendants entered a guilty plea to violating the Mann Act and to importing, harboring, and employing young Mexican females for the purpose of prostitution. He was sentenced to 33 months' imprisonment.

- U.S. v. Maka (District of Hawaii) – The Department charged a landscape maintenance contractor and rock wall builder with transporting Tongan males to Hawaii where they were forced to work in his businesses to repay the transporting expenses. The victims were allegedly housed in shacks on the subject's pig farm and were required to work in excess of twelve hours a day, six days a week for approximately $60 to $100 per week.

- United States v. Adaobi and Udeozor (District of Maryland) – The Department charged two defendants with smuggling a teenage girl from Nigeria into the United States, sexually assaulting her, regularly beating her, and forcing her to work long hours at their home and at the wife's medical practice for no pay.

- United States v. Gates and Heyward (District of Columbia) -- The defendants were charged

with multiple counts of sex trafficking and transportation for prostitution of persons, including minors; the defendants operated a sex-trafficking and Internet prostitution business from their home. At times, they used girls as young as 14 to perform sexual acts.

- United States v. Valle-Maldonado (Central District of California) – The defendants were charged with trafficking offenses arising from allegations that between August 2003 and March 2004, they arranged for women, including two minors, to be smuggled into the United States from Mexico to work as prostitutes at the defendants' homes and at massage parlors throughout the Los Angeles area.

A VICTIM-CENTERED APPROACH TO COMBATTING HUMAN TRAFFICKING

While the perpetrators of these crimes are being prosecuted to the full extent that the law allows, their victims deserve warmth and compassion. This is true both as a matter of human decency, and as an effective method for facilitating successful prosecutions.

The physical and mental needs for assistance are well documented. Through victim interviews, our prosecutors have learned that trafficking victims are typically lured to this country through false promises of a new job or a husband, which the victims believe will lead to a better life in the United States. Once at their destination, however, trafficking victims are treated like chattel, stripped of their identity and travel papers, and often subjected to extortion and violence. Such victims are traumatized and disoriented, and many suffer post-traumatic stress disorders. In

addition, victims of sex trafficking often contract sexually transmitted diseases and, in the process, are literally trafficked to death.

In enacting the TVPA, Congress noted that its primary purposes included not only combating traffickers, but also "protect[ing] their victims.".[8] Congress reaffirmed this commitment in the Trafficking Victims Protection Reauthorization Act of 2003.[9]

In July 2001, in order to implement the TVPA's purposes, the Attorney General promulgated regulations addressing precisely this goal. These regulations mandate actions that federal law

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[8] Congress' formal findings (TVPA §§ 102(b)(5) - (7)) are particularly noteworthy in accentuating the nature of the victimization. Indeed, Congress determined:

> Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable. Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion. Traffickers often make representations to their victims that physical harm may occur to them or others should the victim escape or attempt to escape. Such representations can have the same coercive effects on victims as direct threats to inflict such harm.

[9] *See* Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. 108-193.

enforcement and other federal officials must undertake to ensure that trafficking victims who are willing to cooperate with law enforcement are protected and provided access to the full panoply of benefits offered under the statute. These regulations provide that:

> (a) All victims of severe forms of trafficking in persons must be provided . . . the protections and services outlined in this section in accordance with their status as victims of severe forms of trafficking in persons;
>
> (b) To the extent practicable and allowed by law, alternatives to formal detention of victims of severe forms of trafficking in persons should be considered in every case. . . ;
>
> (c) Victims of severe forms of trafficking in persons in federal custody shall receive necessary medical care and other assistance. This care should include free optional testing for HIV and other sexually transmitted diseases in cases involving sexual assault or trafficking into the sex industry, as well as a counseling session by a medically-trained professional on the accuracy of such tests and the risk of transmission of sexually transmitted diseases to the victim. Other forms of mental health counseling or social services also may be appropriate to address the trauma associated with trafficking in persons; [and]

(d) Federal officials are responsible for arranging for victims to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender. Federal law enforcement agencies also should protect victims of a severe form of trafficking in persons from harm and intimidation pursuant to section 6 of the Victim and Witness Protection Act of 1982.[10]

Also in keeping with this approach, the Department of Justice has pioneered a victim-centered approach to human trafficking offenses, which enables us both to prosecute its perpetrators while also reaffirming the humanity of its victims.

The Civil Rights Division has developed a careful method for handling victims of human trafficking. The Civil Rights Division's Criminal Section employs a victim witness specialist, who provides guidance regarding victim/witness issues related to federal civil rights crimes, particularly the TVPA, and who ensures that victims of federal civil rights crimes have access to services, as mandated by the Attorney General's Guidelines for Victim and Witness Assistance. She works closely with the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, and United States Attorneys' Office victim specialists, as well as non-governmental organizations, the Office of Victims of Crime, and the Department of Health and Human Services

[10] 28 C.F.R. § 1100.31

(HHS), to establish procedures and identify resources to coordinate the provision of victim services under the TVPA, including preparing continued presence applications and seeking HHS certification, to permit victims to receive federally-funded or administered benefits and services to the same extent as refugees. In addition, she provides assistance, information and training to domestic and foreign law enforcement officials and non-governmental organizations on human trafficking victim issues.

The needs of trafficking victims are substantial from the outset and continue to be resource-intensive throughout an investigation and prosecution. The most critical need is housing, followed by access to medical care, legal assistance and interpreter services. When rescued, many victims have only the clothes they are wearing, and even those may be taken into evidence. Thus, the victim must be provided with everything to sustain daily life. Food, clothing, shelter, medical care, counseling, transportation and other services are required to enable them to maintain a secure, stable, and healthy environment. In some instances, victims may also have special needs or cultural requirements (*e.g.*, hearing-impairment, illiteracy, dietary restrictions, or pregnancy) that necessitate additional services or referrals.

This approach addresses not only victims' needs, but also furthers the law enforcement effort. Victims need time to develop trust and confidence in law enforcement and to feel safe and secure, with their basic needs met, before they are comfortable in telling the truth. Victims are likely to be very vulnerable, physically and emotionally traumatized, disoriented and unfamiliar with the

language, and distrustful because they come from countries where law enforcement is feared or they were told by their exploiters they would be deported or jailed. Interviewers need to be sensitive to victims' cultural background and mores and should choose an appropriate unbiased interpreter to facilitate victims' communication with law enforcement.

Ultimately, it is the stated policy of the Department of Justice that individuals who have been subjected to a severe form of trafficking as outlined in the TVPA are victims in every sense of the word. And they must be treated as such.

HHS will certify any adult trafficking victim who is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons, and has either been granted continued presence, or has made a *bona fide* application for a T-visa.[11] This HHS certification permits the victim to have access to federally-funded or administered benefits and services.

The Department's record of victim protection has been strong. To date, Civil Rights Division prosecutors have helped with the granting of 430 requests for continued presence, so victims can extend their stay in the United States to assist with law enforcement efforts, and also receive certain federal benefits. Overall, the Civil Rights Division and other law enforcement agencies

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[11] See TVPA § 107(b)(1). A victim of a severe form of trafficking also may be eligible for a T-visa; Immigration and Nationality Act, §§ 101(a)(15)(T); 214(o). A T-visa enables a trafficking victim to remain in the country for up to three years, after which he or she may apply for permanent residency.

have helped 518 trafficking victims from 34 countries to secure such benefits under the TVPA.[12]

In order to ensure that there is no slippage in our protection of victims, I have formally directed that any declination by a Civil Rights Division Criminal Section attorney to support a trafficking victim's receipt of continued presence or a refusal to provide a law enforcement agency endorsement in support of a victim's T-visa application (Form 914(b)) must be forwarded for approval to the Deputy Assistant Attorney General overseeing trafficking matters.

THE FUTURE: A PROACTIVE, COORDINATED FEDERAL, STATE, LOCAL, AND PRIVATE APPROACH

As we go forward, we at the Department of Justice will continue to prosecute vigorously more and more trafficking cases. The most substantial challenge to this effort is the unique situation of trafficking victims compared to the victims of other crimes. Trafficking victims are simply not likely to pick up the telephone and call the FBI or the Department of Justice. Victims of trafficking are fearful. They are disoriented. They are far from their country. They are far from their family. They have no local contacts or friends. They don't speak the language. They are here without documentation. They are not going to call us. We must be aggressive and proactive

[12] The 88 additional individuals reflected in this higher figure include juveniles – who can secure benefits without securing continuing presence; and also some individuals who applied directly for a T-visa without first securing continuing presence.

in seeking out victims and criminal enterprises that victimize them.

To that end, as part of HHS's public awareness campaign to *Rescue and Restore* victims of human trafficking, we have joined HHS in creating state and local Task Forces dedicated specifically to combating human trafficking. These Task Forces encompass joint efforts by federal law enforcement, state and local law enforcement, and non-governmental organizations that take the battle against human trafficking into the dark places where victims are exploited. These collaborative efforts are designed to help establish an improved communication infrastructure regarding human trafficking activities, thereby allowing for more prompt assistance to victims and more proactive investigations of trafficking cases. So far Task Forces have been created in Philadelphia, Atlanta, Phoenix, and Tampa Bay, and we anticipate launching over a dozen by year's end.

The participation of state and local government and law enforcement is critical to the success of these task forces. Local law enforcement officers, in particular, provide the "boots on the ground" in the war against human trafficking. They operate on the streets and in the communities. They are familiar with local leaders, local issues, and local organizations. They often have pre-existing relationships in neighborhoods, and sources of information, that may be useful in this field. Without their participation, our efforts would be severely hampered.

The participation of other federal agencies is likewise critical. We work with the Bureau of

Citizenship and Immigration Services to ensure that trafficking victims have a lawful immigration status in the United States and may remain to heal from their victimization and assist law enforcement with cases against their traffickers. We likewise work with the Department of Health and Human Services to obtain access to additional services for these victims, such as medical treatment, screening for sexually transmitted diseases, and emergency food and care. We also work with Department of Labor (DOL) investigators, who are in the workplaces every day, and who are often the first government authorities to witness exploitative conditions. DOL also assists victims through a network of more than 3,600 one-stop career centers nationwide. Finally, we help place the victims with non-governmental organizations, often funded in part by the federal government. Our job is to help these trafficking victims begin to rebuild their lives.

Also central to our successes are the efforts of non-governmental organizations, many of which are able to go where we often cannot: into the communities and places where trafficking thrives, and where its victims suffer. These victims, though often fearful of turning to the government for help, may well turn to a known faith-based or cultural haven. Close cooperation with these groups can help us more effectively fight human trafficking.

Trafficking cases require cooperation among all these groups. Convictions alone cannot provide the necessary shelter or job placement, and these in turn provide the cooperation necessary to effective prosecution.

To further coordination and cooperation, the Civil Rights Division has spearheaded training of federal prosecutors and investigators, as well as non-governmental organizations that work with victims. We have published awareness-raising materials and offered invaluable assistance to victims through the operation of a toll-free complaint line. In addition, we recently hired a Special Counsel for Trafficking Issues to add to our arsenal of expertise and experience in fighting human trafficking. This Special Counsel, who was formerly with the International Justice Mission, pioneered and designed law enforcement intervention and aftercare models for victims of sex trafficking throughout the developing world, including the Philippines, Thailand, Cambodia, India, and West Africa.

In January, the Civil Rights Division conducted one of the Justice Department's largest and most comprehensive ever anti-trafficking training programs at the Department's National Advocacy Center. In attendance at this event were over 150 Federal prosecutors, Federal investigative agents from the FBI and Department of Homeland Security, representatives from the Department of State and Department of Health and Human Services, and non-governmental organizations. The conference covered the full gamut of legal and practical issues confronting those who battle daily to combat this evil crime. Taught by leading experts in the field, the sessions focused on such diverse topics as the latest legal developments, optimal investigative and prosecutorial strategies, proper treatment of and benefits available to victims, and effective use of interpreters. The Department plans to repeat this type of event each year.

In addition to the efforts of the Civil Rights Division, the Office for Victims of Crime, which is located within the Department's Office of Justice Programs (OJP), will soon have awarded nearly $15 million -- $10 million in 2003 and $5 million in 2004 -- to help expand services for victims of human trafficking, to train law enforcement officers to recognize the needs of trafficking victims, and to improve the relationship between law enforcement and service providers as they work together on behalf of trafficking victims. Language and cultural barriers, large numbers of victims, and the severity of the victimization make providing adequate services particularly challenging. One of these grantees, the YMCA of Greater Houston, a faith-based organization with staff and volunteers who are able to communicate in ten different languages, provides support and counseling to human trafficking victims in connection with anti-trafficking law enforcement investigations. OJP's National Institute of Justice (NIJ), funded in part by a $500,000 appropriation under the Service for Trafficking Victims Grant Program, has supported vital research that explored international trafficking in China and the Ukraine, as well as an assessment of the needs of trafficking victims found within the United States. NIJ is also undertaking an in-depth study of several of the Office for Victims of Crime-funded projects to ensure that victims' services are conceptually well-developed and field-tested.

We are also looking to our state partners to assist in this fight. Three states – Texas, Washington, and Florida – have adopted stiff anti-human trafficking statutes. Others are considering the same step, and we applaud their doing so.

We are similarly sharing our expertise with foreign partners in the fight against trafficking. Department of Justice attorneys have provided training and technical advice to law enforcement officials throughout the world. For example, I have traveled to India and the Dominican Republic to discuss human trafficking issues. I also recently discussed our victim assistance efforts in Paris with the French Secretary of State for the Rights of Victims. Other Department attorneys have traveled, for example, to Thailand, Moldova, Estonia, Ukraine, Switzerland, Japan, and South Africa. This work has produced international cooperation and an exchange of valuable law enforcement intelligence.

Finally, as directed by Congress in the fiscal year 2004 Appropriations bill, and consistent with the President's commitment to end human trafficking, the Department will convene a national training conference on domestic trafficking and prostitution on July 15-17, 2004. With the support of many departmental components and several federal partners, and under the personal direction of the Attorney General, the conference will help prepare federal, state, and local law enforcement to work with victim service groups to locate and rescue victims, and investigate and prosecute traffickers. The conference will promote the establishment of sustainable and effective coordination among these sectors and will encourage attendees to begin developing local domestic trafficking response teams made up of federal, state, and local governmental agencies, and non-governmental social service providers.

CONCLUSION

Mr. Chairman, allow me to conclude by recalling President Bush's words before the United Nations. He spoke of "another humanitarian crisis spreading, yet hidden from view." He warned the nations of the inherent "evil in the abuse and exploitation of the most innocent and vulnerable[,] the victims of sex trade [who] see little of life before they see the very worst of life – an underground of brutality and lonely fear." And, he charged us with eradicating this ancient evil:

> We must show new energy in fighting back an old evil. Nearly two centuries after the abolition of the transatlantic slave trade, and more than a century after slavery was officially ended in its last strongholds, the trade in human beings for any purpose must not be allowed to thrive in our time.[13]

Return with me one last time to that small room, with that small bed, with the teddy bear and the paper towels, where a small girl became a sex slave 30 times a day. That is our mission, as given to us by our President, to make sure that no one need ever return there again.

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[13] President George W. Bush, Address to the General Assembly of the United Nations, New York (Sept. 23, 2003).

Mr. BURTON. Thank you, Mr. Acosta.

Mr. Gersten.

Mr. GERSTEN. Mr. Chairman and Ranking Member Watson, thank you for the opportunity to appear before you today to discuss the Administration for Children and Families' activities under the Trafficking Victims Protection Act of 2000. Under the act, ACF is responsible for certifying persons as trafficking victims and helping them access the benefits and services they need to rebuild their lives.

Traffickers in the United States imbue their victims with incorrect but believable stories of their legal vulnerabilities. Traffickers tell victims that they are illegal immigrants and therefore, criminals who will be arrested and deported or imprisoned if they approach law enforcement agents. Traffickers threaten their victims and their families both here and in their home countries with physical harm, embarrassment and legal action. As a result, when victims do come in contact with law enforcement and judicial personnel, health providers and other people who would be in a position to assist them, the victims tend to adhere to the coaching of their captors and do not alert such persons of their plight.

Outreach is clearly critical to our efforts to help trafficking victims and I would like to focus my short statement on two critical ACF outreach efforts, our public awareness campaign and our hotline.

The first, the campaign to rescue and restore victims of human trafficking is designed to overcome the barriers the Federal Government has experienced in identifying and rescuing victims. The campaign is a call to action for people to contact the HHS Trafficking Information and Referral Hotline to report possible trafficking situations. The campaign has developed posters, brochures, fact sheets, educational materials and a trafficking Web site. With the chairman's permission, I would like to share a couple of posters with you.

Here on the right we have four posters that have been distributed broadly across the country with the headline, "Look Beneath the Surface." These posters are designed to educate those who may come in contact with victims of trafficking with health service providers, with law enforcement personnel so that when they meet someone in a hospital or pick someone up on the street who seems bruised and battered, they ask the question, might this be a victim of trafficking. We believe this is the first line in the effort to communicate with the public, with the individuals who may come in contact with victims of trafficking but often think this is a street person, a homeless person or someone who belongs in the criminal justice system or someone who should be deported. We want that person to ask themselves is this a victim of trafficking and if so, to know there are service providing agencies that are available to contact.

If you are interested, we would be happy to share with you and your colleagues the additional material that we developed for the campaign. We have a packet that has these separate posters, brochures and other material that we have available for all members of the committee if you like. We are also working on Spanish language posters and materials as well as materials in other lan-

guages. The campaign also is employing a coalition effort that targets intermediaries including law enforcement, health care and social service providers, faith and civil groups and other organizations that conduct outreach to populations vulnerable to trafficking.

As a critical component of the campaign, the Department has established a nationwide toll free trafficking information and referral hotline. The hotline provides victims immediate crisis counseling enabling victims to get accurate information about their options. Victims and those calling on their behalf are referred to an organization in their immediate area trained to serve trafficking victims.

I look forward to working with you and the Congress as we advance toward our goal of substantially increasing the rate at which the Federal Government identifies and assists victims.

I would be happy to answer any questions.

[The prepared statement of Mr. Gersten follows:]

U.S. Department of Health and Human Services
Washington, D.C. 20201

STATEMENT OF

CHRISTOPHER GERSTEN

PRINCIPAL DEPUTY ASSISTANT SECRETARY

ADMINISTRATION FOR CHILDREN AND FAMILIES

BEFORE THE

HOUSE GOVERNMENT AFFAIRS COMMITTEE

SUBCOMMITTEE ON WELLNESS AND HUMAN RIGHTS

JULY 8, 2004

Good afternoon Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to appear before you today to discuss the Administration for Children and Families' activities under the Trafficking Victims Protection Act of 2000 (TVPA). Trafficking is a modern-day form of slavery in which 600,000 to 800,000 people a year are trafficked across international borders and exploited for labor or commercial sex. Of that number, it is estimated that 14,500 to 17,500 people are trafficked into the United States each year. The TVPA initiated a comprehensive effort to combat this scourge. It provides for enhanced punishment of traffickers and the identification, protection and care of victims.

Under the TVPA, the U.S. Department of Health and Human Services, through the Administration for Children and Families, is responsible for certifying persons as trafficking victims and helping them access the benefits and services they need to rebuild their lives. In this capacity, we created a nationwide network of organizations to identify victims through community outreach, provide technical assistance to service organizations and provide services to victims. Before discussing these activities, I would like to share some background on what we know about the victims of trafficking.

Background

Trafficking victims are drawn from a plethora of nationalities, ethnic groups, and faiths. The traffickers exploit their victims for a variety of evils, including prostitution, pornography, sweatshop labor, and involuntary domestic servitude. Some live in society's direct view but are made inconspicuous by their reticence to openly interact with others. Some are held at a single location, where they work and live under lock and

key. Others live in one location and work in another. Their captors ferry them between the two and limit or completely preclude their access to the outside world. Still others live with their captors and have limited and controlled access to the outside world. Some are paid a small wage, some are paid nothing, and still others are told that their earnings are to work off their passage to the United States.

Nonetheless, the methods of the captors and the vulnerabilities of their victims produce certain frequently recurring characteristics. Traffickers in the United States imbue their victims with incorrect, but believable, stories of their legal vulnerabilities. Traffickers tell victims that they are illegal immigrants and therefore criminals who will be arrested and deported or imprisoned if they approach law enforcement agents. Traffickers threaten their victims and their families, both here and in their home countries, with physical harm, embarrassment, and legal action. As a result, when victims do come in contact with law enforcement and judicial personnel, health providers and other people who would be in a position to assist them, the victims tend to adhere to the coaching of their captors and do not alert such persons of their plight.

Certification and Services

The Department has developed a systematic approach to the certification of trafficking victims and the facilitation of their access to benefits and services. Under the TVPA, HHS is the agency responsible for issuing the certification document verifying that an individual is a victim of trafficking eligible for federally funded or administered benefits and services to the same extent as a refugee.

We consult regularly with staff at the U.S. Department of Homeland Security and the U.S. Department of Justice, the agencies that investigate -- and in the case of the Department of Justice, prosecute -- trafficking cases, and refer appropriate cases to HHS for certification. We also coordinate with U.S. Attorneys' Offices around the country on trafficking cases as well as other federal law enforcement officials from the Department of Labor and the Department of Homeland Security.

Once a referral is received, we must ensure that the victim has met criteria required by the Act in order to be certified. If the appropriate criteria are met, then a certification letter in the case of adults or an eligibility letter in the case of minors will be provided to victims safely and without breaches of confidentiality. We then contact grantees of local refugee services providers and other benefit-granting agencies to inquire about appropriate local programs to help the victims. Many victims are in need of psychological counseling, medical assistance and legal referrals.

We strongly encourage the participation of certified trafficking victims in existing assistance programs for refugees – primarily the Voluntary Agency Matching Grant Program and the Refugee Cash and Medical Assistance Program. The goal of the Voluntary Agency Matching Grant Program is to help refugees attain self-sufficiency within four months of eligibility without accessing public assistance. The Refugee Cash and Medical Assistance Program provides temporary cash and medical assistance for up to eight months from the date of certification. This program is designed to provide assistance to those refugees who are not eligible for other federal benefits.

The trafficking program also has established a mechanism for serving minor victims of trafficking through the Department's Unaccompanied Refugee Minor (URM) program. That program tailors the placement of and services to minors to meet their cultural, educational, health and security needs. The Department operates the URM program through grants with the Lutheran Immigration Refugee Service and the United States Conference of Catholic Bishops.

Further, we work with the U.S. Citizenship and Immigration Services in the Department of Homeland Security to coordinate access to Employment Authorization Documents. The document is critical because it permits eligible victims to work, which in turn, leads to self-sufficiency.

Outreach

Outreach is clearly critical to our efforts to help trafficking victims. As HHS' Assistant Secretary for Children and Families Wade F. Horn recently said, "It is unlikely that victims of trafficking will be found and rescued in significant numbers until the American public gains a much greater awareness of the horror of human trafficking." In fact, through FY 2003, HHS issued letters of certification or eligibility to 448 victims compared with the estimated tens of thousands of victims trafficked into this country during that period.

In response to this surprisingly low victim identification rate, Secretary Tommy G. Thompson and Assistant Secretary Wade F. Horn initiated a professional public awareness campaign, The Campaign to Rescue and Restore Victims of Human Trafficking (the "Campaign"). The Campaign is designed to overcome the barriers the

federal government has experienced in identifying and rescuing victims – barriers that keep victims well-hidden from society's view even as they live among us.

The Campaign message is a call to action for people to *Look Beneath the Surface,* as the Campaign posters implore, of people they encounter and to call the HHS trafficking information and referral hotline to report possible trafficking situations. The Campaign has developed posters, brochures, fact sheets, educational materials and a trafficking website.

The Rescue and Restore Campaign also is employing a coalition effort that targets intermediaries – defined as those who are most likely to know or come in contact with victims. Examples of intermediaries include law enforcement, healthcare and social-service providers, faith and civic groups, and other groups that conduct outreach to populations vulnerable to trafficking. The Campaign is building this coalition nationally and locally through an intensive city-by-city effort. To date, the Campaign ---with participation from the Department of Justice, the Department of Homeland Security, law enforcement agencies, faith communities and non-governmental organizations -- has announced local coalitions in Atlanta, Philadelphia, Phoenix and Tampa. It will announce additional coalitions later this year. Coalition members are asked to use their communications mechanisms to distribute the campaign message and materials.

Hotline

As a critical complement to the Campaign, the Department has established a nationwide toll-free Trafficking Information and Referral Hotline (the "Hotline"). The Hotline operator is the Covenant House Nineline for youth in distress. The Hotline

provides victims immediate crisis counseling and referrals to local non-governmental organizations (NGOs). It facilitates the establishment of an essential NGO-victim relationship, enabling victims to get accurate information about their options and giving them the confidence to cooperate fully with federal law enforcement in the prosecution of traffickers.

The Hotline operates 24-hours-per-day, seven-days-a-week. Throughout each call, callers remain connected with a "live" person and can receive help in a wide variety of languages. Victims and those calling on their behalf are referred to an organization in their immediate area that is trained to serve trafficking victims. If a caller is prepared to report a case of trafficking, referral to the Department of Justice Trafficking in Persons and Worker Exploitation Task Force is made immediately.

Between April 1 and June 15, the Hotline handled 563 calls from concerned citizens, social service providers and potential victims of trafficking. Calls to the Hotline increased by more than 60 percent between April and May. In that same timeframe, calls for general information increased by more than 55 percent and referrals to NGOs and various federal agencies including the Department of Justice and the Department of Labor increased by more than 65 percent.

Conclusion

In closing Mr. Chairman, I want to thank you for bringing greater attention to this important issue. The TVPA gave a name to an age-old problem, and created a federal response to this terrible assault on human dignity. We have worked diligently to provide services to trafficking victims as well as to develop outreach activities and a hotline to

provide a broad reach to many more victims. I look forward to working with you and the Congress as we advance toward our goal of substantially increasing the rate at which the federal government identifies and assists victims. I would be happy to answer any questions you may have.

Mr. BURTON. First of all, let me say I think what you are doing with these posters and everything is extremely important. Unfortunately, we live in the television age and a lot of these people that may be in involuntary servitude as sex slaves or whatever it might be, wouldn't have a chance to see these posters. Do you do any television advertising?

Mr. GERSTEN. We have developed a public service advertising campaign and have actually worked with television spots that have been developed by the United Nations and gotten permission from the United Nations to use these spots. They have now played in 31 cities across the country. This campaign is just about 6 to 8 weeks old but we think it is a very important component. We are able to track calls to our hotline in relation to the number of public service spots that are playing across the country. You are quite right, for contacting victims themselves, it is quite important that we be on television. The public service spots are beginning as we create task forces and coalitions around the country, we are asking those coalitions to take our public service spots and walk them into local television and radio stations.

Mr. BURTON. I think that is great. One of the things Mr. Acosta and you at HHS could do would be to contact the major networks and maybe even send a letter to as many of the major affiliates as you possibly can across the country, maybe even with a copy of some of the public service announcements you are talking about. I would be very happy, and I am sure Ms. Watson and Congressman Smith would be as well, to join you in that effort to make sure these public service announcements are shown on a regular basis because when you see these posters, they are very effective but as I said before, I doubt that the people who might be forced into this kind of situation will ever see those.

Mr. GERSTEN. I thank you for that offer. We will work with you and your staff on that.

Mr. BURTON. And if you need more money for that, I am sure Chris and I and Ms. Watson would be very happy to go to the appropriators and beat them over the head to try to get some money for that.

I saw you had some $30 million that you are spending on the program, is that right?

Mr. GERSTEN. It is $10 million for HHS and how much is Justice spending?

Mr. ACOSTA. $10 million at the Department as well.

Mr. BURTON. John, are you guys involved in this at all?

Mr. MILLER. We are not involved in that particular effort. The United Nations spots that were referred to were funded with your taxpayer dollars and those spots have been translated into other languages and we are seeing they are played in other countries around the world.

Mr. BURTON. Public service announcements won't cost anything and I think all of the affiliates and the major networks are required to show so many public service announcements. I think the FCC requires that. Since we have 17,500 people a year coming into the country that we know of or thereabouts, it seems to me this would be a real deterrent. If I were a trafficker, I think the one thing I would fear most would be for somebody I brought into the

country illegally or had in involuntary servitude might see television and see that kind of an ad. Now that we have multilingual television programs, we have the Spanish-speaking networks as well as others, I would think it would be something that would really get through to a lot of these people.

Do you have enough resources to deal with the problem right now or do you need more and if so, how much?

Mr. GERSTEN. From the Administration for Children and Families' point of view, we are in the early stages of this campaign. We have built grassroots efforts with hundreds of NGO's in four cities, Atlanta, Philadelphia, Tampa and Phoenix. We will roll out these grassroots efforts to a dozen more cities this year and hopefully another 10 or 20 cities next year. My answer would be it is too early to know at this point if there is a need for more resources. We have to be very aggressive about building grassroots coalitions and about getting public service television and radio. When we come back next year, if we think the public service is inadequate but are comfortable with the level of our organized activity, then we will definitely talk about asking for more money but at this point, it would be premature.

Mr. BURTON. The one thing that kind of bothers me a bit about what you said is not the effort that has been made thus far, but you only have six or eight cities right now?

Mr. GERSTEN. Correct.

Mr. BURTON. I know Miami, Chicago, Indianapolis, LA and a whole host of places that I am sure need exposure as well. That is why if you haven't had a chance, you won't have a chance to expand the NGO relationship between now and the next 6 months or so. It seems to me the television public service announcements would be a great step in the right direction until you get all that put in place.

Anyone else?

Mr. ACOSTA. Mr. Chairman, the Department of Justice receives $10 million that it distributes in grants in addition to the resources we have at the Civil Rights Division in the form of our prosecutors. Certainly in reference to your invitation to issue a joint letter between HHS and Justice and perhaps members of the committee, as appropriate, to encourage public service announcements, Justice would be more than happy to participate in that.

In addition to that, we received a one-time allocation this year of $1 million to be used in training. I think the training of State and local law enforcement cannot be underestimated. So far this year, we have engaged in 99 trainings of State and local law enforcement. Our 100th training will be next week and will be a major conference that will pull together prosecutors from 27 Federal U.S. attorney districts, more than 27 with State and local law enforcement and NGO's. We are not spending the entire amount on the conference, we have some we are holding in reserve because after the conference our vision is after they have come and spent 3 days, learning about the issue, educating themselves on the issue, then follow that up with local task forces and local conferences. So it is not a one-time event but these task forces really become real efforts where individuals coordinate, share information and proactively approach this.

The resources at this point are adequate. We need to get the word out through HHS' public service campaign and through hearings like this so that more Americans realize what is truly going on.

Mr. BURTON. I am going to yield to Ms. Watson now but we will draft a letter and Ms. Watson will join us in that, I am sure, and Mr. Smith, and we will ask you as officials at the various agencies to sign on the letter and we will try to get that out to as many affiliates as well as the major networks as possible. It would be great to see some of these commercials and you can bring some of those rats to justice.

Ms. Watson.

Ms. WATSON. I was just wondering, are there any examples of sanctions against any countries due to their listing in the TIP report?

Mr. MILLER. Congresswoman Watson, last year there were 15 countries in Tier 3, the first year that the sanctions became possible. The good news was that of the 15 countries, the 10 with which we had civil relations, took significant steps so that by September as the law provides, the Secretary was able to recommend to the President that they be raised from Tier 3. There were five countries that remained in Tier 3 and those countries unfortunately are countries that either already had been sanctioned or I can't say that sanctions would have any noticeable effect. I think the main impact last year was not the sanctions, it was the threat of sanctions coupled with the engagement that produced the results.

Ms. WATSON. I was sitting here going through the report and noticing that they have been able to capture the traffickers and so on. Is there any kind of educational programs going on in these several countries that would focus on motivation to do this? Is it all about greed? Is it all about lack of morals and ethics? Is it just a common criminal disregard for humanity? Where are we going with that?

Mr. MILLER. The motivations are certainly complex. I think you are right, greed is a big part of it, lust in some cases, poverty is a driving force, the attraction that lures people from poor countries to be fooled, to be deceived, they get the pictures on television from some of the wealthier countries, that is a problem. Organized crime, by itself, is a factor.

This is not a complete answer to your question but in looking at education around the world, I think in general, Congresswoman Watson, education has focused on reaching out to potential victims. We have helped a lot of countries startup such programs, whether it is hotlines or brochures or going through the schools or as I saw in Cambodia, taking out videos to the villages.

Where we need to have more focus is education on the demand side. So far there has been very little education directed at the customer predators. This coming year, one of the things my office hopes to do is come up with some ideas for education on the demand side and see if we can spur such efforts.

Ms. WATSON. Here in the United States, our problem is the oldest profession in history and there is a lot of money to be made. In the State of California, we start to punish the johns when we catch them. I am wondering if across this country we can't do more

in focusing on our sex trafficking. Some brothels are legal in some States but we have a lot of work to do right here. Should we succeed, it could be a role model for other countries too. Can you comment?

Mr. HAMILTON. Yes. Others may want to comment on that but I do want to comment on that. What you describe as the oldest profession, I would say it is the oldest form of abuse is what it is. The evidence is very clear that this is not a profession in the way other occupations are. The evidence is very clear that a majority of the people, mainly women engaged in this profession, are suffering assaults, rapes and harassment and want to escape.

You mentioned something very interesting to me. That is prosecuting the johns. I think in the past, speaking worldwide, the efforts as I look at other countries, have been mainly on prosecuting the victims, prosecuting those who have suffered in prostitution but there are starting to be some changes. You see a country like Sweden, for example, that has just passed a law that has decriminalized the conduct of the women engaged in prostitution and criminalized the conduct not only of the trafficker, the pimp, the brothel owner, but the customer. They had some well publicized prosecutions of customers. They are trying to get to the demand side and interestingly enough, in Sweden, the evidence shows the last year the number of trafficking victims coming into Sweden from abroad has gone down significantly. All of this tells us we have to look at both sides of this equation.

Ms. WATSON. Just one more question, if I may. Have we considered and have we done an international conference on world sex trafficking and kidnapping?

Mr. MILLER. We had a conference just a little over a year ago.

Ms. WATSON. Under the auspices of the UN?

Mr. MILLER. No, this was under the auspices of the State Department, Congressman Smith spoke and the auspices of several NGO's. We had people from over 100 countries, 400 people from around the world and they were workers. These were not primarily government officials, these were people out in the trenches. They came and exchanged ideas. I think it was helpful. I have to tell you at this point, conferences are good but I think we are at the stage when we look at countries in this report, we are now expecting more than conferences. We want them to get on with the prosecutions, get on with protecting victims, get them to get on with education prevention.

Ms. WATSON. Thank you, Mr. Chairman.

Mr. BURTON. I have one more question after Mr. Smith. Mr. Smith?

Mr. SMITH. Thank you, Mr. Chairman.

Let me thank you all for your fine work. The presentations and the material is outstanding.

On conferences, I think Ms. Watson does make a good point. There are, as you know, a number of conferences. The OSCE, with which I work very close, has been able to get a number of the 55 countries in Europe, Western Central, including Russia, to focus on this issue. We will be holding an OSCE parliamentary assembly conference in Greece in the fall. It will be focused on best practices and what we can do with lawmakers to ensure that our laws pro-

tect victims and prosecute the perpetrators of these crimes. So the point is well taken that it is time for action but we can keep learning and expanding our knowledge and best practices base.

Frankly, the second bill, Mr. Chairman, really was in part an expansion act because some of the things we missed the first time around we threw into the second and we heard from all of the NGO's, we threw out the net as far as we could and the administration and thank you, because you all provided all of us working on that an enormous amount of insight that went into that second bill.

I do have a couple of questions with regard to prosecutorial discretion, Mr. Acosta. My U.S. Attorney, Christopher Christie in New Jersey has been very aggressive in going after traffickers and protecting women. He has broken up recently a ring where some 30 Russian women were held in captivity. They have been protected now and released while the criminals are in the process of being held to account and here have been many others he has had success in and ongoing investigations.

It seems to me because I do talk to a lot of U.S. Attorneys that not everyone gets it. I know that John Ashcroft has admonished the U.S. Attorneys a number of times when they have the ability to decide what cases to proceed with or not, sometimes there could be a lax enforcement or focus on this. What can be done to ensure that in each of the locals, every U.S. Attorney. I know the task forces have to help to raise everybody's consciousness about this but what can be done to really make sure this is done today without further delay?

Mr. ACOSTA. As an initial matter, let me say that the Attorney General since as early as March 2001 has been speaking out on this issue. It is an issue of high priority, an issue on which he has held several press conferences. His priorities have been conveyed to the U.S. Attorneys. I have met with the U.S. Attorneys through their hierarchy, through their Civil Rights Subcommittee and emphasized the importance of this to the Attorney General, to the administration and they get it.

At the conference that is coming up, we have invited representatives from over 27 U.S. Attorneys offices including several U.S. Attorneys who will be attending this conference. For us, it is really a crucial conference because it is the first time we are bringing U.S. Attorneys together with local police and NGO's for a 3-day period to talk about trafficking and to talk about what trafficking is and how important it is that we prosecute. So it will be a spring board not only for task forces, but for more informal mechanisms where U.S. Attorneys will then return to their jurisdictions and redouble their efforts. As I said, we have already seen a tripling of the prosecution rate with better numbers for this year but this will be a springboard for them to return and redouble their efforts.

Let me also go back to the point I made about training. With 99 trainings so far this year, we are putting a lot of effort into the training because it is not just U.S. Attorneys. In New Jersey, there are very good relationships between the U.S. Attorneys Office and various faith-based groups. That relationship with NGO's is also critical.

Finally, a bit technical but very important is something we call a blue sheet which is basically a set of instructions for U.S. Attorneys on the degree to which they need to notify main Justice when they come across various types of criminal offenses. A recent change in the blue sheet about a year ago now requires U.S. Attorneys to notify main Justice, to notify my office if they become aware of a potential trafficking case. So that allows us to centralize and to emphasize this issue.

Mr. SMITH. Mr. Gersten, in terms of the benefits side, is there sufficient housing capacity available for those women if they need shelter? I know you are working in your task forces with the NGO's. I know Catholic Charities, for example, has really stepped up to the plate but they are only one of many others who have done so. The $10 million and the money we have talked about in the authorizing bill and the appropriations side, frankly with a good faith guess, we believe very strongly that number would have to ratchet up significantly.

I would hope, and following on what the chairman said earlier, as the need arises, notwithstanding OMB's red pen, let us know what is truly needed. We had a situation on the foreign aid side a couple of years ago when I offered an amendment on the floor in the foreign ops bill to fully fund the $30 million authorized in the Trafficking Victims Protection Act and it passed overwhelmingly, got into conference with the Senate and all of a sudden it was whittled down to about $22 million because there wasn't an absorption capacity.

I know and I know soon to be Ambassador Miller knows there is no doubt shelters abroad and other kinds of interventions are crying out for dollars. We just have to be a little creative and make sure we find them but do we have the resources, getting back to the chairman's original question, and how is that going in terms of getting the services out to people?

Mr. GERSTEN. We have not had a problem yet with inadequate housing but there is a possibility as this program grows that we will face new challenges and will have problems we don't face at this time. This program is growing a step at a time. We just launched the hotline on April 1, 2004. This campaign is only 3 months old, so we are seeing an increase each month in the number of calls to the hotline and ask the hotline grows, as we get more public service television, and as the coalitions grow, we are going to identify more and more victims. As more victims are certified, we may at some point down the road come back and say we need more resources or we are going to need more resources but at this point, we have not gone to the limit of the resources that are available.

Mr. SMITH. Let me compliment you on the creativity and I think what will be the effectiveness of this approach.

I do have one other question about the victims' families. One of the things that we know for certain, Mr. Miller, you might want to comment on this, is the retaliation against family back home a problem when a woman is freed in the United States or any other country or destination. As you know, we put into law the ability to bring their families to join the victim here in the United States. Has that been utilized yet? Have we gotten many women or men

who have sought to bring over their families? How is that proceeding?

Mr. ACOSTA. Congressman, the answer is yes it has been utilized. I don't recall the exact figure but I know in several instances, families have received TDs or are in the process of receiving them. I believe it is a T–2, T–3 and T–4 as opposed to T–1.

Mr. SMITH. Let me again compliment you on the task force idea. I think the absolute vital importance of bringing local law enforcement into the equation—Philadelphia was I heard a resounding success. I am sure each of these rollouts will be very successful. It is part of the learning curve and getting police fully engaged at the local level is absolutely critical if we are going to succeed.

I would ask Mr. Miller to comment. One of the drawbacks we found or one of the hindrances we found to passage originally was the idea of having sanctions. I think this idea of having smart sanctions naming countries has proven itself and perhaps we can apply to other areas of human rights law where people have been reluctant to name names because there was vigorous opposition to that before the bill was passed in 2000 and linking it to the withholding of non-humanitarian foreign aid. Of course the humanitarian aid we want to have that flow unfettered.

In your view, Mr. Miller, if this proves when you have a smart sanction focused and you have a vigorous implementation, and I want to say again how grateful all of us who worked on this legislation are to the Bush administration for so faithfully implementing this and for taking it so serious. It is making a difference. Our Ambassadors are our representatives in country x, y and z and so many of them have made this a cause for which they are deeply committed. I wondered if you would comment on the smart sanctions idea?

Mr. MILLER. I think you are absolutely correct that Congress was very wise to include sanctions in the original legislation, to continue it in the reauthorization. I think the threat of sanctions provides a very useful tool. It is not the only tool. You have to have diplomatic engagement, you have to have NGO's that are aggressive, you have to have a lot of things but it really helps to focus the mind when you have that. I think adding the Tier 2 Watchlist further helps to focus minds on this issue.

Mr. BURTON. Let me just conclude the questioning of this panel. I was reading this National Geographic article which was from the Department of State which says this gentleman, if you want to call him that, Milorad Malakovic is in Bosnia and he says, is it a crime to sell women, they sell footballers, don't they? He says in this article that the United Nations international police forces in Bosnia and visa and immigration officials have been among his most valued customers. What is being done for instance in places like Bosnia where we are giving a great deal of aid and assistance to the various governmental agencies there? What is being done in those areas to clean up the public officials, policemen and immigration officials who are participating in this kind of activity. In addition to trying to get these people arrested and put out of business, what about the people that are in government? Are we doing anything about that?

[The information referred to follows:]

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HUMAN TRADE

21st Century Slavery

by Andrew Cockburn

Sherwood Castle, headquarters to Milorad Milakovic, the former railway official who rose to become a notorious slave trafficker in Bosnia, looms beside the main road just outside the northwest Bosnian town of Prijedor. Under stucco battlements, the entrance is guarded by well-muscled, heavily tattooed young men, while off to one side Milakovic's trio of pet Siberian tigers prowl their caged compound.

I arrived there alone one gray spring morning—alone because no local guide or translator dared accompany me—and found my burly 54-year-old host waiting for me at a table set for lunch beside a glassed-in aquamarine swimming pool.

The master of Sherwood has never been shy about his business. He once asked a dauntless human rights activist who has publicly detailed his record of buying women for his brothels in Prijedor: "Is it a crime to sell women? They sell footballers, don't they?"

Milakovic threatened to kill the activist for her outspokenness, but to me he sang a softer tune. Over a poolside luncheon of seafood salad and steak, we discussed the stream of young women fleeing the shattered economies of their home countries in the former Soviet bloc. Milakovic said he was eager to promote his scheme to legalize prostitution in Bosnia—"to stop the selling of people, because each of those girls is someone's child."

One such child is a nearsighted, chain-smoking blonde named Victoria, at 20 a veteran of the international slave trade. For three years of her life she was among the estimated 27 million men, women, and children in the world who are enslaved—physically confined or restrained and forced to work, or controlled through violence, or in some way treated as property.

Victoria's odyssey began when she was 17, fresh out of school in Chisinau, the decayed capital of the former Soviet republic of Moldova. "There was no work, no money," she explained simply. So when a friend—"at least I thought he was a friend"—suggested he could help her get a job in a factory in Turkey, she jumped

In Bosnia, Milorad Milakovic was arrested in May on charges that he buys and sells women through his bar-and-brothel empire. The wealthy Serb says that United Nations international police forces and Bosnian visa and immigration officials have been among his most valued customers. "There's a clear link between slavery and government corruption," say Corbin Lyday, a former official of the U.S. Agency for International Development. "Government officials in dozens of countries assist, overlook, or actively collude with traffickers."

"Is it a crime to sell women? They sell footballers, don't they?" Milorad Milakovic, after his brothels in Prijedor were raided, complained that the now liberated women had cost a lot of money to buy. . .and that he wanted compensation.

Brothels line Falkland Road in Mumbai, with the youngest, prettiest women displayed in street-level cages to attract customers day and night. Many women are delivered into these ramshackle hives by traffickers; many others are sold outright by parents or husbands.

at the idea and took up his offer to drive her there, through Romania. "But when I realized we had driven west, to the border with Serbia, I knew something was wrong."

It was too late. At the border she was handed over to a group of Serb men, who produced a new passport saying she was 18. They led her on foot into Serbia and raped her, telling her that she would be killed if she resisted. Then they sent her under guard to Bosnia, the Balkan republic being rebuilt under a torrent of international aid after its years of genocidal civil war.

Victoria was now a piece of property and, as such, was bought and sold by different brothel owners 10 times over the next two years for an average price of $1,500. Finally, four months pregnant and fearful of a forced abortion, she escaped. I found her hiding in the Bosnian city of Mostar, sheltered by a group of Bosnian women.

In a soft monotone she recited the names of clubs and bars in various towns where she had to dance seminaked, look cheerful, and have sex with any customer who wanted her for the price of a few packs of cigarettes. "The clubs were all awful, although the Artemdia, in Banja Luka, was the worst—all the customers were cops," she recalled.

Victoria was a debt slave. Payment for her services went straight to her owner of the moment to cover her "debt"—the amount he had paid to buy her from her previous owner. She was held in servitude unless or until the money she owed to whomever controlled her had been recovered, at which point she would be sold again and would begin to work off the purchase price paid by her new owner. Although slavery in its traditional form survives in many parts of the world, debt slavery of this kind, with variations, is the most common form of servitude today.

According to Milorad Milakovic, such a system is perfectly aboveboard. "There is the problem of expense in bringing a girl here," he had explained to me. "The plane, transport, hotels along the way, as well as food. That girl must work to get that money back."

In November 2000 the UN-sponsored International Police Task Force (IPTF) raided Milakovic's nightclub-brothels in Prijedor, liberating 34 young women who told stories of servitude similar to Victoria's. "We had to dance, drink a lot, and go to our

rooms with anyone," said one. "We were eating once a day and sleeping five to six hours. If we would not do what we were told, guards would beat us."

Following the IPTF raids, Milakovic complained to the press that the now liberated women had cost a lot of money to buy, that he would have to buy more, and that he wanted compensation. He also spoke openly about the cozy relations he had enjoyed with the IPTF peacekeepers, many of whom had been his customers.

But there were no influential friends to protect him in May this year, when local police finally raided Sherwood Castle and arrested Milakovic for trafficking in humans and possessing slaves.

We think of slavery as something that is over and done with, and our images of it tend to be grounded in the 19th century: black field hands in chains. "In those days slavery thrived on a shortage of person power," explains Mike Dottridge, former director of Anti-Slavery International, founded in 1839 to carry on the campaign that had already abolished slavery in the British Empire. The average slave in 1850, according to the research of slavery expert Kevin Bales, sold for around $40,000 in today's money.

I visited Dottridge at the organization's headquarters in a small building in Stockwell, a nondescript district in south London. "Back then," said Dottridge, "black people were kidnapped and forced to work as slaves. Today vulnerable people are lured into debt slavery in the expectation of a better life. There are so many of them because there are so many desperate people in the world."

The offices are festooned with images of contemporary slavery—forced labor in West Africa, five- and six-year-old Pakistani children delivered to the Persian Gulf to serve as jockeys on racing camels, Thai child prostitutes. File cabinets bulge with reports: Brazilian slave gangs hacking at the Amazon rain forest to make charcoal for the steel industry, farm laborers in India bound to landlords by debt they have inherited from their parents and will pass on to their children.

The buying and selling of people is a profitable business because, while globalization has made it easier to move goods and money around the world, people who want to move to where jobs are face ever more stringent restrictions on legal migration.

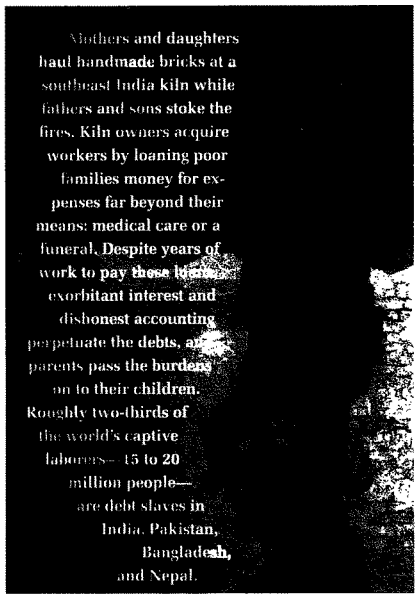
Almost invariably those who cannot migrate legally or pay fees up front to be smuggled across borders end up in the hands of trafficking mafias. "Alien smuggling [bringing in illegal aliens who then find paying jobs] and human trafficking [where people end up enslaved or sold by the traffickers] operate exactly the same way, using the same routes," said a veteran field agent from the U.S. Immigration and Naturalization Service (INS). "The only difference is what happens to people at the other end." As the fees people must pay for transport rise in step with tightening border controls, illegal immigrants are ever more likely to end up in debt to the traffickers who have moved them—and are forced to work off their obligations as slaves.

It's dangerous for outsiders to show too close an interest in how these trafficking mafias work (a point that had occurred to me at Sherwood Castle), but in Athens I found a man who has made the study of slave trafficking his specialty and lives to tell the tale.

In 1990 Grigoris Lazos, a sociology professor at Panteion University, embarked on what he thought would be straightforward research on prostitution in Greece. Bright and intense, he resolved to go straight to the source, the prostitutes themselves. Through them he eventually made contact with the people who had enslaved them. Over the course of a decade—and in the face of intense disapproval from his professional colleagues—Lazos gained access to trafficking operations from the inside and was able to paint a clear picture of the interplay between prostitution and slavery in his country.

"You should note the difference between a small trafficking gang and a large network, which uses the Internet and bank accounts," he said. "Any bar owner or group of bar owners in Greece can send someone up to southern Bulgaria to buy women for cash. The cost of a girl in that area is $1,000, or, if you negotiate, you might be able to get two for $1,000. Best to try on a Monday for cheap prices, because most trafficking happens at the weekends. Mondays are slow, so you can get the leftovers."

"A network on the other hand," he continued, "has the ability to bargain and complete financial transactions from a distance. Simply call Moscow, ask for women, and they will be sent to Romania and from there on through Bulgaria to Greece. The parties don't even have to know each other. The importer simply says, 'I want so-and-so many first quality women, so-and-so many second quality, so-and-so many third quality.'"



DEBT TRAPS entire families in bondage for generations.

Flicking through his exhaustive files, the professor rattled off the cold data of human trade. "Between 1990 and 2000 the total amount earned in Greece from trafficked women, that is to say those who were forced into this kind of prostitution, was 5.5 billion dollars. Voluntary prostitutes, those who were working of their own accord and are mostly Greek women, earned 1.5 billion dollars."

The efficiency and scope of the Greek traffickers' operations studied by Lazos is by no means unique. In Trieste, the gateway from the Balkans into northern Italy, investigators from the local anti-mafia commission tracked the activities of Josip Loncaric, a former taxi driver from Zagreb, Croatia.

By the time Loncaric was finally arrested in 2000 he owned airlines in Albania and Macedonia and was involved in moving thousands of people destined for work not only in prostitution but in any menial task requiring cheap labor in the prosperous world of the European Union. His Chinese wife, who was also his business partner, provided a link to criminal Chinese triads with which Loncaric did profitable business smuggling Chinese as well as Kurds, Iraqis, Iranians, and any other afflicted people willing to mortgage themselves in hopes of a better future. Many of Loncaric's Chinese victims found themselves locked up and forced to work 18 hours a day in restaurants or in the famous Italian leather workshops.

Trafficking mafias and smugglers, in the last decade of the 20th century, brought 35,000 people a year into Western Europe through the Trieste area, guiding them at night through the rugged mountains and forests straddling the border with Slovenia.

But this is only one of many funnels between poor worlds and rich ones. Thousands of miles away I found another flood of migrants fleeing Central America on their way to El Norte, the United States, where they could ultimately become slaves.

These migrants' homes were ravaged by the wars of the 1980s and '90s and reduced to further ruin by a succession of natural and man-made disasters. Hurricane Mitch pounded Honduras and Nicaragua in 1998; afterward the number of homeless street children in Central America jumped by 20 percent. El Salvador was hit by a 7.6 earthquake in 2001. Large parts of the region have been without rain for the past three years, and the world price of coffee has crashed, ruining the Central American coffee industry and leaving 600,000 workers unemployed. In Guatemala more than half a million coffee workers face starvation.

Many economists argue that the North American Free Trade Agreement has made its own contribution to the flood of people trying to move north, maintaining that cheap U.S. corn imported into Mexico has effectively driven millions of Mexican peasant corn farmers out of business and off the land. They suggest that for every ton of corn imported into Mexico, two Mexicans migrate to the U.S.

The tiny Guatemalan town of Tecún Umán lies on the bank of the Suchiate River. Here migrants from Central America gather to cross into Mexico on their way north. Those with valid travel documents for

Mexico cross the bridge over the river; those without them pay a few cents to be ferried across on rafts made from tractor inner tubes.

No matter where they come from, a great majority of migrants arrive in Tecún Umán penniless, easy prey for the local hoteliers, bar owners, and people smugglers—known as coyotes—who live off the flow of humanity. It is a town where, in the words of one former resident, "everything and everyone is for sale."

Some of the luckier migrants find a temporary safe haven at Casa del Migrante, a walled compound just a few yards from the muddy riverbank. "Every day, morning and night, I give a speech here," says the Casa's director, Father Ademar Barilli, a Brazilian Jesuit who remains surprisingly buoyant despite the surrounding misery. "I talk about the dangers of the trip north and urge them to go back. It's a bad choice to go home, but a worse one to try to go on to the U.S."

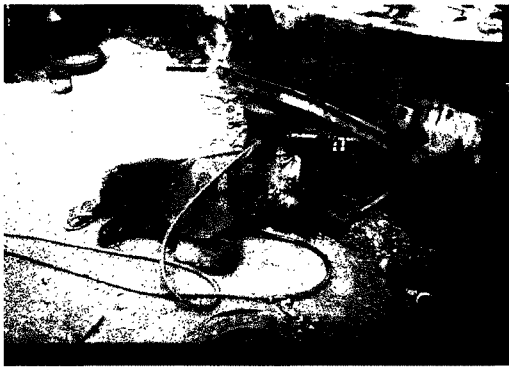
Barilli warns migrants about the bosses in Mexico who may take their precious documents and force them into slavery on remote plantations. He tells them about the brothels in Tapachula, the Mexican town across the river, where girls are forced into prostitution. Most, remembering the misery they have left behind, disregard his warnings. As Adriana, a 14-year-old prostitute in a Tapachula bar, exclaimed when asked if she would consider going home to Honduras: "No, there you die of hunger!"

Despite Barilli and Casa del Migrante, Tecún Umán itself is hardly safe. The week before I arrived, a dead coyote had been dumped just outside the gates of the compound with a hundred bullets in his body. "People are killed here because of the traffic in people and babies. There are many mafias involved in the business of this town. *Aquí uno no sale en la noche*—Here you don't go out at night," Barilli said.

As I calculated the amount of daylight left, Barilli explained what local bar owners say to girls from the buses that roll in every day from the south. "They talk about a job working in a restaurant. But the job is in a bar. After the girl has worked for a while just serving drinks, the owner denounces her to the police and gets her arrested because she has no documents. She is jailed; he bails her out. Then he tells her she is in his debt and must work as a prostitute. The debt never ends, so the girl is a slave."

Barilli cited a recent case involving a bar named La Taverna on the highway out of town. The owner, a woman, had duped six girls in this fashion. "Some of them got pregnant, and she sold the babies," he said. Thanks partly to the efforts of a Casa del Migrante lay worker (who afterward went into hiding in response to a flood of very credible death threats), the bar owner was finally arrested and jailed.

Stepped-up security in the wake of 9/11 has made the major obstacle on the road from the south, the border between Mexico and the U.S., more difficult than ever to clear. With heightened control has come a commensurate increase in the price charged



BROKEN PROMISES

The boy's parents sent him to the mechanic's shop in Benin's capital, Porto-Novo, to learn a skill. He works all day without rest or pay. He can't go outside without permission. Any disobedience brings a beating. According to Kevin Bales, a leading slavery researcher and director of U.S.-based *Free the Slaves*, this mix of total domination and economic exploitation defines modern slaveholding. Slaves today are controlled not by legal ownership, but by what Bales calls "the final authority of violence."

Among the estimated 60,000 Chinese now living in Italy, legal and illegal immigrants have been found laboring side by side with slaves. Investigations of immigrant workplaces—like a leather factory near Florence—are often stymied by language barriers and the widespread use of fraudulent identity documents.

by smuggling gangs to take people across: up from an average of about $1,000 a person to $2,000. Survivors of the journey arrive deeply indebted and vulnerable to slavers.

In Immokalee, Florida, I sat in a room full of men and women with the same Maya features I had last seen on the faces of the people in Tecún Umán. Almost all of them were farm laborers, toiling on Florida's vast plantations to pick fruit and vegetables consumed all over the U.S. They were meeting at the headquarters of a farmworker organization, the Coalition of Immokalee Workers (CIW), to discuss ways of improving conditions in their ill-paid occupation. When the rapid-fire Spanish conversation died away, an elderly man picked up a guitar and began to sing about Juan Muñoz, who left Campeche, Mexico, "to seek his fortune in the U.S." but ended up in Lake Placid, Florida, working "as a slave" for a cruel boss who stole all his money.

Blues singers composed similar laments about the miseries of plantation life in the Old South, and we think of those songs as part of our heritage. But this song was not about the past.

Juan Muñoz is a real person, a 32-year-old who left his small farm in Campeche because he couldn't earn enough money to feed his family. He made his way across the border to Marana, Arizona, where a coyote promised him a ride all the way to a job picking oranges in Florida. The ride cost $1,000, which Muñoz was told he could pay off over time. On arrival he found he had in fact joined the modern slave economy.

Highway 27 runs through citrus country in the heart of Florida, which supplies 80 percent of U.S. orange juice. The pickers in the fields that line the highway are overwhelmingly immigrants, many undocumented and all poor. They earn an average $7,500 a year for work that is hard and unhealthy, toiling for bosses who contract with growers to supply crews to pick crops. The law generally leaves these people alone so long as they stick to low-paid but necessary work in the fields.

Sweatshop conditions in the fields are almost inevitable, since the corporations that buy the crops have the power to keep the prices they pay low, thus ensuring that wages paid by harvesting companies to pickers

stay low too. These conditions lead to a high turnover in the workforce, since anyone with a prospect of alternative work swiftly moves on. Hence the appeal to crew bosses of debt-slave crews, whose stability and docility are assured. That is how Juan Muñoz found himself held captive along with at least 700 others in the well-guarded camps operated by the Ramos family in and around the little town of Lake Placid.

"They had almost all been picked up in Arizona by coyotes who offered to take them to Florida and then sold them to the crew bosses," says Romeo Ramirez, a 21-year-old Guatemalan who went undercover to investigate the Ramoses' operation on behalf of the CIW.

Captives in eight camps in and around Lake Placid were living "four to a room, which stank, sleeping on box springs." Not surprisingly, the workers were terrified of their bosses. "People knew they would be beaten for trying to get away," said Ramirez, citing the rumor about one would-be escapee who "had his knees busted with a hammer and then was thrown out of a car moving 60 miles an hour.

"The workers were paid by the growers every Friday," Ramirez continued, "but then they would all be herded to the Ramoses' stores in Lake Placid and forced to sign over their checks. By the time they had paid for rent and food, their debt was as high as ever." One such store, Natalie's Boutique, is a block from the police station.

In April 2001 a team from the CIW helped four of the captive laborers, including Muñoz, to make a break. Spurred to action by the unequivocal testimony of the escapees, the FBI and INS mounted a raid—although the prominent "INS Deportation Service" sign on the side of the bus accompanying the raiding party gave the crew bosses enough warning to send the workers out into the orange groves around Lake Placid to hide. Nevertheless, the brothers Ramiro and Juan Ramos, along with their cousin José Luis Ramos, were eventually charged with trafficking in slaves, extortion, and possession of firearms. In June 2002 the three Ramoses were convicted on all counts and received prison sentences totaling 34 years and 9 months.

This 21st-century slave operation may have been ignored by the Ramoses' corporate clients; and federal agencies may have been slow to react to prodding by the CIW. But the slave crews were hardly out of sight. The main camp in which the Ramoses confined their victims was just on the edge of town right beside a Ramada Inn. On the other side of the compound a gated community, Lakefront Estates, offered a restful environment for seniors.

"The slaves in Lake Placid were invisible, part of our economy that exists in a parallel universe," points out Laura Germino of the CIW. "People were playing golf at the retirement community, and right behind them was a slave camp. Two worlds, speaking different languages."

The Ramos case was in fact the fifth case of agricultural slavery exposed in Florida in the past six years. All came to light thanks to the CIW, which is currently promoting a boycott of fast-food giant Taco Bell on behalf of tomato pickers. The corporation boasts of its efforts to protect animal welfare in its suppliers' operations. Corporate officials also say they demand compliance with labor laws, but point out that since they cannot monitor suppliers' labor practices continually they rely on law enforcement to ensure compliance.

Slavery and slave trafficking in the U.S. today extend far beyond farm country into almost every area of the economy where cheap labor is at a premium. In 1995 more than 70 Thai women were rescued after laboring for years behind barbed wire in the Los Angeles suburb of El Monte, making clothes for major retailers while federal and state law enforcement repeatedly failed to obtain a proper warrant to search the premises. In June 2001 federal agents in Yakima, Washington, arrested the owners of an ice-cream vending company and charged them with using Mexican slaves, working to pay off transportation debts, to sell ice cream on city streets. According to Kevin Bales, there are between 100,000 and 150,000 slaves in the U.S. today.

The Department of State puts the number of people trafficked into the U.S. every year at close to 20,000. Many end up as prostitutes or farm laborers. Some work in nursing homes. Others suffer their servitude alone, domestic slaves confined to private homes.

The passage by Congress in 2000 of the Victims of Trafficking and Violence Protection Act, which protects such slaves against deportation if they testify against their former owners, perhaps has helped dispel some fearfulness. The growth of organizations ready to give help, like the CIW or the Coalition to Abolish Slavery and Trafficking, a southern California group that has assisted more than 200 trafficked people, means that victims are not alone. Public scrutiny in general is rising.

Still, such captives the world over are mostly helpless. They are threatened; they live in fear of deportation; they are cut off from any source of advice or support because they cannot communicate with the outside

world. And the harsh fact remains that this parallel universe, as Laura Germino called it, can be a very profitable place to do business. Before sentencing the Ramoses, U.S. District Court Judge K. Michael Moore ordered the confiscation of three million dollars the brothers had earned from their operation, as well as extensive real estate and other property.

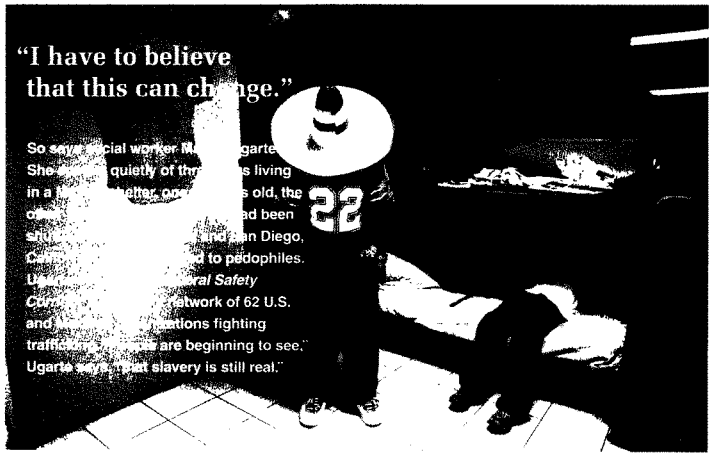
Moore also pointed a finger at the agribusiness corporations that hired the Ramoses' picking crews. "It seems," he said, "that there are others at another level in this system of fruit picking—at a higher level—that to some extent are complicit in one way or another in how these activities occur."

"The slaves in Lake Placid were invisible. . . People were playing golf at the retirement community, and right behind them was a slave camp."

A former slave named Julia Gabriel, now a landscape gardener in Florida and a member of CIW, remembers her arrival in the U.S. from Guatemala at the age of 19. She picked cucumbers under armed guard in South Carolina for 12 to 14 hours a day; she saw fellow captives pistol-whipped into unconsciousness. "Maybe this is normal in the U.S.," she thought. Then a friend told her, "no, this is not normal here," so Gabriel found the courage to escape.

"This is meant to be the country to which people come fleeing servitude, not to be cast into servitude when they are here," says Attorney General John Ashcroft. But some historians argue that the infamous trans-Atlantic slave trade that shipped millions of Africans to the New World was abolished only when it had outlived its economic usefulness.

Now slave traders from Sherwood Castle to sunny Florida—and at hundreds of points in between—have rediscovered the profitability of buying and selling human beings. Which means that, in the 21st century, slavery is far from gone.



Photos by: Jodi Cobb/NGS Image Collection

United States Department of State Publication Number 11158
Global Bureau—the Office to Monitor and Combat Trafficking in Persons
Released May 2003

Mr. MILLER. Government complicity, if you look around the world, all the causes when I was listing the causes for Congresswoman Watson, I should have mentioned government complicity. In your legislation you say that should be a criteria in judging countries. We name governments, we say which governments in which we think there is complicity.

Mr. BURTON. Are we doing anything about it with those countries? I heard what Chris said about sanctions and that sort of thing.

Mr. MILLER. That is one of the key criteria in deciding whether a country goes into Tier 2 Watchlist and Tier 3. Our embassies are instructed when they carry the flag on slavery to focus on the complicity issue. In the conversations I have had with our Ambassadors, I think they are doing that, Mr. Chairman.

Mr. BURTON. Thank you very much.

We will now go to our next panel. I really appreciate your testimony and we will probably have you back. We will be sending you that letter. We are all going to sign it and if you will sign it, we will see if we can't work with you to get that out.

Mr. MILLER. As you know, I like to stay for complete hearings and you have a distinguished panel of NGO speakers that I can learn from. Somebody from my staff will be here. This is one of those rare occasions where I have to go to another meeting and I hope you will excuse me.

Mr. BURTON. No problem.

Our next panel consists of: Mr. Charles Song, director, legal services program, Coalition to Abolish Slavery and Trafficking; Ms. Michele Clark, co-director, Protection Project, Johns Hopkins University School of Advanced International Studies; and Mr. Derek Ellerman, co-executive director, Polaris Project.

[Witnesses sworn.]

Mr. BURTON. We normally start from my left to right but since Ms. Clark is the prettiest of the three of you, we will start with her.

STATEMENTS OF MICHELE CLARK, CO-DIRECTOR, PROTECTION PROJECT, JOHNS HOPKINS UNIVERSITY SCHOOL OF ADVANCED INTERNATIONAL STUDIES; CHARLES SONG, DIRECTOR, LEGAL SERVICES PROGRAM, COALITION TO ABOLISH SLAVERY AND TRAFFICKING; AND DEREK ELLERMAN, CO-EXECUTIVE DIRECTOR, POLARIS PROJECT

Ms. CLARK. I accept your compliment with gratitude. Thank you.

It is an honor to be before you today. I am Michele Clark, the co-director of the Protection Project of the Johns Hopkins University School of Advanced International Studies. Over the past 2 years, members of our staff have traveled to over 30 countries on five continents on behalf of child victims of trafficking in the jungle regions of Peru, of women in tiny villages in Moldavia, of women enslaved in the cabaret cultures of Cypress and women, men and children in the neighborhoods of Washington, DC, Atlanta, Chicago and San Francisco. I would like to thank this committee for your vocal support of the TVPA and your concern evidenced by this hearing that this act be fully and efficiently and expeditiously implemented.

Trafficking in persons continues to be complex. I would like to talk about some misperceptions about trafficking as well as some policy concerns that remain necessary to be addressed. Despite the excellent campaigns of the Department of Health and Human Services, there is still a lot of confusion surrounding this issue globally and within the United States. We still tend to confuse human trafficking with smuggling which puts in danger of feeling less sympathy for the victims and thinking instead that they are criminals complicit in what happens to them. We remain ignorant about domestic servitude in our own cities. We find it hard that this kind of slavery could exist or be perpetrated by our own neighbors. We tend to believe that if there is trafficking it is for sex and as Ms. Watson stated, because it is the world's oldest profession, why should we worry about it?

We find almost impossible to understand that a clandestine brothel can exist in an affluent suburb right where we might live. If we do pause long enough to consider that trafficking could be real, we associate it with large ports of entry and border States. We don't recognize that the trafficking trends in this country have shifted to the Midwest, the Northwest, New England and the Southwest. According to the excellent report put out by the Department of Justice assessing U.S. Government efforts to combat trafficking, there have been investigations in all but four States in this country. Finally, we tend to believe that trafficking in this country is limited to foreign men and women, boys and girls. We are very reluctantly ready to admit that this could happen to our own.

What should we do? Public awareness notwithstanding, outreach not withstanding, the work ahead is still long and tough. I would like to make some comments and express concerns and let you know some recommendations that we have of particular relevance to public policy.

First of all, I would like to underscore the desperate need for committed, deeper, more intense work in the area of victim identification. We have visited shelters, we have visited countries where shelters have been funded but where they remain empty with people scratching their head in confusion wondering where are the victims. We look at the statistics of individuals served in this country and compared to the numbers, they are low. The efforts are good, the organizations work very hard. We need to ask the right questions. If we don't, we run the risk of several severe consequences.

The first is that without accurate and comprehensive victim identification, the sense of urgency required to combat trafficking in persons will diminish. I am concerned that reports of empty shelters and limited services will make donors and funders question the expenditures and will look at limiting funds rather than wondering how can we best infiltrate the areas where we know these problems exist.

The benefits of proper victim identification are multiple. It ensures rapid intervention, ensures quick recourse and rescue. It has to include two main components obviously raising the level of awareness of the full extent of the problem within different communities but it has to go deep into the indigenous ethnic areas where we know victims of trafficking to be, in the language expressed by the representatives of that very community so that in addition to

information, there will be an element of trust strong enough to bring the victims out.

This leads me to my next point which is the need to expand our notion of partnerships and to look at what our own legislation says about that. I have traveled this country and overseas and I am so impressed with the work of community based organizations and the expanded NGO community. However, in an analysis of funding grants to NGO's for trafficking projects in this country of 40 grants awarded in 2002 and 2003, only four have been given to faith-based organizations. In its public relations campaign, the Department of Health and Human Services indicates that among its strategies includes the placement of notices in religious media. They recognize the role of that, however, the funding has not followed the recognition that is perceived in some other areas.

We have noticed an interesting thing when we travel. Although some shelters remain empty, faith-based shelters, whether it is run by Peruvian nuns in Lima, a Russian orthodox priest who got his diocese to fund a building in Cyprus, these are full. I would like to suggest several reasons for their success. They conduct active outreach to the communities where they know they will find victims. They are trusted by the victims because they speak the same language and are often from the same cultural background. They allow for longer stays and in many cases, several years, allowing not only for immediate recovery but for deep emotional healing.

My time is running out. I am also concerned that to substantiate some of the claims I have made, I would also encourage the monitoring and more full implementation of Section 12(a) of the Trafficking Victims Protection Reauthorization Act in which the President requests there shall be carried research included by providing grants to NGO's as well as to relevant U.S. Government agencies and international organizations. This research will include economic causes and consequences of trafficking, the effectiveness of programs and I would say we should really examine the role of the faith-based organizations in some of these initiatives and the interrelationship between trafficking persons and global health risks.

I could obviously go on but I will allow these excellent witnesses to speak and thank you again so much for your consideration.

[The prepared statement of Ms. Clark follows:]

Statement of Michele A. Clark
Co Director
The Protection Project of the Johns Hopkins University School of Advanced International Studies

House Committee on Government Reform
Subcommittee on Human Rights and Wellness

"Trafficking in Persons in the United States: Unfinished Business"

July 8, 2004

Mr. Chairman, Members of the Committee:

Thank you for the invitation to testify today before the House Committee on Government Reform. It is an honor to be here to speak on behalf of victims of trafficking - American women as well as women from over 40 countries trafficked into the United States and brutally thrust into conditions of abuse, torture, serial rape and forced labor.

My name is Michele Clark and I am the co-director of The Protection Project, a human rights research institute located at the Johns Hopkins University School of Advanced International Studies. For the past seven years, we have focused on documenting and analyzing the complex dimensions of human trafficking in the Unites States and around the world. We have worked with members of Congress and US Government agencies as well as representatives of foreign governments and NGOs to develop sound policy and practices in the war against trafficking and conduct training, here and abroad, on the provision of services to victims of trafficking, drafting anti-trafficking legislation, and identifying victims of trafficking.

Over the past two years, Protection Project staff have traveled to over 30 countries on 5 different continents, and to cities around the United States. On behalf of the many victims of trafficking we have spoken with in places as diverse as the Amazon jungle regions of Peru, prisons in the United Arab Emirates, villages of Moldova and neighborhoods of Washington, DC, Atlanta, Chicago and San Francisco, I would like to thank you for your strong support of the Trafficking Victims Protection Act (TVPA) as well as the Trafficking Victims Protection Reauthorization Act (TVPRA), and your concerns, evidenced by this hearing, that these Acts be fully and properly implemented.

Public Misperceptions

The level of awareness of trafficking as a form of modern day slavery is growing. An understanding of what trafficking is, however, and how it impacts our daily lives, remains unclear. Our perceptions of human trafficking in the US are fueled by myths and misperceptions. We are confused and troubled, but because we do not understand, our default emotional response is to distance ourselves from the tragedy around us. What are some of the areas of misunderstanding?

- We still confuse abusive alien smuggling and human trafficking.
- We are still ignorant about domestic servitude in our own cities and find it hard to believe that human beings can be held in such conditions of slavery.
- We tend to believe that, if there is trafficking, it us usually for commercial sexual exploitation.
- We find it almost impossible to understand that clandestine brothels in affluent suburbs can exist, where women are forced to provide sexual services to men of the community and are then moved around to other cities in this country.
- If we do pause long enough to consider trafficking as a reality, we associate it with large cities and ports of entry, border states, or states which have a history of migrant farm workers. What we do not recognize is that trafficking trends have shifted to the Midwest, the Northwest, New England, and the Southwest. According to the Assessment of US Government Efforts to Combat Trafficking dated June 2004, trafficking cases have been documented in all but four states in this country.
- And finally, we tend to believe that trafficking is limited to foreign men and women, boys and girls. We are not ready to admit that this could happen to our own.

The Investigation and Prosecution of Trafficking Cases in the United States

According to the June 2004 Assessment of the US Government Activities to Combat Trafficking in Persons, a total of 153 trafficking investigations were open as of April 2004 within the Civil Rights Division of the US Department of Justice. Between Fiscal Years 2001 and 2003, prosecutions were initiated against 110 traffickers by the Civil Rights Division (DOJ) and US Attorneys offices, with 78 convictions and guilty pleas secured. In Fiscal Year 2003 alone, 30 defendants were charged. These numbers all represent significant increases from the previous years, with the rate of prosecutions having increased three-fold compared to the three fiscal years prior to 2001-2002, and with the rate of convictions doubling over the three fiscal years prior to 2001-2003.

Continued Public Outreach

The Assessment of US Government Activities to Combat Trafficking in Persons (June 2004) acknowledges a significant gap between the numbers of victims of trafficking in the United States and the number of victims which the US Government has been able to assist with immigration, protective and social services. The US Government is therefore placing the expansion of training and outreach at the center of its strategies to reach more victims.

The US Government has engaged in a number of activities in order to close the gap and increase outreach activity to victims. Some of these activities have proven to be very successful. These include a public information newsletter published by the Civil Rights Division of the Department of Justice, launched in January 2004, and the Trafficking in

Persons and Worker Exploitation Task Force Complaint Line, launched in February 2000, a toll-free phone line which allows individuals to call in anonymous tips of suspected trafficking activity. Together with the Department of Justice's other outreach activities, the Complaint Line has provided invaluable assistance in the fight against trafficking. *Over half* of the investigations opened since February 2000 have been as a result of calls to the Complaint Line.

The US Government has also engaged in public awareness activities which directly target victims of trafficking, such as the recent US Department of Health and Human Services campaign entitled *"Look Beneath the Surface."* This campaign is designed to encourage victims to come forward with their cases by using public service announcements and specialized victim targeted strategies including publications in non-English newspapers and religious media.

There remains a need for more proactive approaches to reach victims of trafficking which consist in large part of permeating the different communities where victims tend to congregate.

Commentary, Concerns and Recommendations

The Assessments of US Government Activities to Combat Trafficking in Persons of 2003 and 2004 provide analyses of these various activities and contain recommendations for subsequent action. I would like to comment on some of these recommendations. I would also like to include an additional concern, the use of the Internet as a modern day recruitment station and auction block for victims of trafficking.

1. **The Importance of Victim Identification**

In the winter of 2003-2004, The Protection Project conducted a training program of law enforcement officials in nine countries of Southeast Europe. Repeatedly, we spoke with heads of agencies that told us that they had received funding for shelters, but that the shelters remained unoccupied. "Where are the victims?" was a frequent refrain and one which elicited a lot of shaking of heads as well as looks of great consternation. Tentative answers included the fear and mistrust of anyone in authority; the absence of information on victims' rights and services, especially in the victims' own languages, and the fear of reprisal of the traffickers if the women seek assistance or accept to participate in legal proceedings.

In the United States, we find ourselves in a similar quandary. The total of victims served remains very small. Even one rescued life is worth the time, the effort and the funds. The challenge before us remains, however, can we not reach more? What are the obstacles in our way?

It is imperative that we keep the challenge of appropriately identifying victims of trafficking as a high priority on the national as well as international anti-trafficking agenda. The consequences of relegating this to a degree of lesser importance are serious:

- Without accurate and comprehensive victim identification, the sense of urgency required to combat trafficking in persons will diminish. The ability of our government to quantify modern day slavery has improved dramatically but it remains difficult to reconcile the numbers of men, women and children trafficked into the Untied States (currently estimated at between 14,500 and 17,500 annually) with the small numbers of victims served, the few letters of certification issued, and the limited numbers of T-Visas issued.

  I am concerned that empty shelters and low service lists will eventually lead some to question the wisdom of these expenditures. This is the wrong approach. The correct approach is to identify and work with those groups having greatest access to trafficking populations in order to identify and serve victims of trafficking.

- Proper victim identification ensures rapid intervention. How accurately law enforcement officials, social service providers and Good Samaritans identify a trafficked person will determine how quickly this person is able to be released from bondage and obtain legal, social, financial, and medical assistance.

- Proper victim identification must include two main components: raising the level of understanding and knowledge within an entire community and conducting aggressive outreach into the indigenous neighborhoods where trafficking persons are likely to find refuge.

  A recent instance in Montgomery County, Maryland, highlights the acute importance of community understanding. Rita, a young woman from India, was brought to this country by a high-ranking official of her country's embassy in order to work as a domestic servant and to receive an education in the United States. Instead, Rita found her life transformed into one of servitude and bondage, working long hours, receiving no compensation, and being held captive in the home with no access to the outside world. Her one outing a week was to church. Her master's chauffeur, who waited for her and escorted her home at the conclusion of the service, drove her there. Finally, one woman noticed this quiet girl who always sat in the back, who dressed in the same clothes, who talked to no one. Thanks to the intervention of one woman, and the subsequent support of the entire church community, Rita is now free from captivity.

2. The Need for Expanded Partnerships

The US Government alone cannot combat trafficking in persons on a scale sufficient to eradicate the problem. The non-profit sector in this country has a long and noble history of serving as both advocate and implementer of social change, and this role is being sustained in the fight against human trafficking.

An analysis of agencies that have been given federal funds in the past two years reveals some interesting trends. Community-based organizations have in fact received significant federal dollars. What is missing, however, is the representation, among grantees, of the faith-based community. While most of the organizations receiving federal funds in 2002 and 2003 for public outreach, service provision and technical assistance and training in the United States were community based organizations, in FY 2003, 2 out of 14 organizations which received funding from the US Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) for domestic anti-trafficking work were faith-based organizations and two out of twelve organizations receiving anti-trafficking funds through the Department of Justice's Office of Victims of Crime were faith-based organizations. In FY 2002, only one faith-based organization received federal funding from ORR for providing services to victims of trafficking out of a total of 14 organizations that received funding. In summary, out of 40 grants awarded, 4 were to faith-based groups. It is important to note that, while the new federally funded public awareness campaign includes placing notices in religious media, faith-based groups are not yet significant recipients of federal anti-trafficking dollars.

I believe that this is an omission which deserves to be studied, analyzed and addressed because, by this omission, we are eliminating a group which can be a vital part of the solution we are all looking for.

As Protection Project staff have traveled around the world, we have noted an interesting phenomenon: faith based shelters are full. In the streets of Lima, Peru, a group of Catholic nuns walk the streets in one of the city's worst areas in order to get to know the girls and to let them know about their shelter. When the girls are ready to escape from the streets, they know where they can go for shelter, skill training, emotional support, physical care and, too frequently, child care for their babies. The girls stay three years. When they leave, they are provided with the means to establish themselves in a small business. Over 60 percent of the girls who pass through this center have remained off the streets.

In Limassol, Cyprus, a Russian Orthodox Priest succeeded in convincing his Bishop to donate a home in an affluent residential neighborhood to serve as a shelter for victims of trafficking. Fr. Savvas has mobilized his parishioners to recognize victims of trafficking. Individuals who worship in his church every week have rescued women who are then taken to his shelter.

These are but two examples of hundreds of small organizations that are filling a desperate need for aggressive outreach, compassionate care, and personal as well as cultural sensitivity to the population they are seeking to serve.

Based on observation and anecdotal evidence, I believe there are several reasons for the success of these organizations:

- They conduct active outreach into the communities where they know they will find victims. They make a point of getting to know individuals who

could be victims of trafficking, learning their names, establishing relationships, and informing them about the services they offer.

- They are trusted by the victims because they speak the same language and are often from the same cultural background.
- They allow for longer stays, often up to several years, thereby allowing for not only immediate recovery but also deep emotional healing. The symptoms of victims of trafficking are similar to those of victims of torture. They require time to recover from serial rape, abuse, and humiliation.
- Because the shelters have strong community ties, they are able to assist in the reintegration process much easier.

I believe that these claims are valid. However, further research is necessary to validate them, and this will be one of my final recommendations.

3. The Use and Abuse of the Internet: Recruitment Station and Auction Block

For many of us, the challenges of technology are limited to coordinating a Blackberry, a cell phone and a personal computer. Graduating to a more complex level would be the un-spamming of our in-boxes. But for many the new technologies, along with the concomitant ease and immediacy of access accompanied by the exhilaration of anonymity, have created a new kind of monster, turning the Internet into a new form of recruitment station and a modern day auction block.

In August 2000, Lindsay Lavoie was abducted from her Tampa, Florida home. Six months before, she had begun a relationship with a Greek man named Kon Baehring over the Internet. Thinking at first that he was her own age, Lindsay became completely enamored of her new friend and did not flinch when he revealed his true age of 35. They exchanged love letters via the Internet and the man proposed marriage. Baehring arranged a clandestine meeting on a day when Linday pleaded sick and stayed home from school. When Lindsay's mother returned from work, her daughter was gone. A police investigation revealed that she had been abducted and taken to Athens. When police entered Baehring's house, they found large amounts of pornography and evidence linking Baehring to a large cyber-conspiracy which was used to abduct a young and naïve woman from her family. In the home of one of the conspirators, more child pornography was found, including images of Lindsay Lavoie. The investigation revealed that Baehring had a history of seductions, or attempted seductions, using the Internet to establish relationships with young girls.

An increasingly troubling modern day phenomenon is the rise of on-line communities and their new function as auction block and recruitment station. On-line communities provide individuals, primarily young people, with instant access to thousands of "friends," including romantic partners, party buddies, or career networking possibilities. Newcomers create a personal profile which includes at least one photo and a personal profile of likes and dislikes, interests, dreams and other personal information.

The potential for pimps and traffickers is mind-boggling. Whereas finding girls used to involve time spent in the street or bar, buying drinks and driving from place to place, now all that is required is a session to a local computer, plugging in a zip code and asking for a listing of girls, 14-18, in a particular zip-code. It's a slave owner's paradise: Instant availability, the advantages of anonymity, and no accountability.

Not surprisingly, Internet icons are being used as vehicles to the flesh trade. On March 2 of this year, eBay Taiwan posted an announcement offering three young Vietnamese women for auction. The one caveat of the add that also offered to provide medical certificates attesting to the women's virginity was that the women were "for shipment only to Taiwan." Advocacy Groups were alerted to the ad, and demanded its immediate withdrawal. The request was immediately honored.

The challenges for Internet abuse are extensive and demand further research, investigation, and a public awareness campaign all its own. We have seen the ads for drug abuse, alcohol abuse, and tobacco abuse. It is now time to see ads for Internet abuse.

4. Need for Additional Research

Engaging in further research is necessary in order to successfully win the war against trafficking. We would like to recommend that further research be conducted in all of the areas we have addressed in this testimony, including the development of enhanced methods to identify victims of trafficking; the role of faith-based communities especially in areas of victim outreach, shelter, reintegration and restoration; and the implications of Internet abuse as it relates to human trafficking. Research in each of these areas will be in compliance with The Trafficking Victims Protection Reauthorization Act (TVPRA) which states, in Section 12A) that "The President… shall carry out research included by providing grants to nongovernmental organizations as well as to relevant United States Government Agencies and international organizations…Such research shall, to the maximum extent possible, include but not be limited to the following:

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

"(2) The effectiveness of programs and initiatives funded by the Federal Government to prevent trafficking in persons and to assist victims of trafficking."

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

5. Remember the American Girls

As my last recommendation, I would like to read a letter that I received from a woman we will call Mary. She wrote it after listening to me talk about the trafficking of foreign women into the US. I am quoting it to you exactly as it was sent to me.

Dear Michele:

I wanted to talk to you, to impress upon you that there are a lot of American women who are also in the same predicament [as women who are trafficked from overseas.] Pimps buy and sell women all the time, between themselves, the clients, etc. You can sell one white blonde girl in Mexico and get three Mexican girls in return. A girl who makes good money on the street can sell for $10,000 or more to another pimp. Often, pimps make sure that they have sisters or friends, and split the girls up. If one acts up or tries to escape, the other will be punished.

I tell you these things from my own experience. I was bought and sold between men in the US. I am a white female, born here. My daughter was held hostage so that I could work. One year, I saw her for one day. My mother, who is now 77, was beaten several times because of me. I have seen many of my girlfriends killed. It is often easier to kill yourself than to know you will be tortured all night when you get home and are not able to sleep before you must go back to work. By torture, I mean beatings, strangling, being cut, thrown out of the windows, etc. I have been tossed out of a third story window. I have had 81 broken bones, including my nose being broken three times, my jaw fractured, my ribs have had 28 separate breaks. I have had my feet broken so that I could not leave.

The "houses" in Vegas are used by pimps to train girls they do not want to deal with. They take girls there for months at a time. The girls are not allowed to leave without the pimp coming to get her. When he does, the house gives him her cash. They cannot keep money on them in the room. They are let out for a week or two at a time, the pimp spends some time with her, buys her clothes and such. Then the pimp signs the girls back in for another stint.

I know that trafficking is bad from other countries. I used to know Chinese restaurants and massage parlors in Phoenix that would bring girls in who only spoke Chinese. They were allowed to see only Chinese men. They were not allowed to talk to anyone else. They are not allowed out and are locked up when the owner of the store leaves. There are no phones, no way to communicate. I know this because I used to know a Chinese motel owner and his wife who were friends with the owner. He was over often and the wife would tell me how sad she was for the girls. But she could not say anything because of her husband. It goes on.

Just please do not forget the American girls. There are girls here who have no one to turn to either. They are exploited, abused, and used. They are bought and sold and beaten or raped by men, even their own, daily.

They need you too.

Mr. Chairman, Members of the Committee, thank you for the opportunity to allow me to speak to you today.

Mr. BURTON. Thank you, Ms. Clark. We will be asking questions in just a minute.

Mr. Song.

Mr. SONG. Thank you for the pleasure and honor of speaking with you this afternoon on behalf of non-governmental organizations working to combat trafficking and the thousands of survivors of trafficking and their families that are working hard to rebuild their lives. I would also like to commend Chairman Burton and Congresswoman Watson for their leadership in championing the rights of survivors of trafficking.

As the staff attorney at the Coalition to Abolish Slavery and Trafficking, I have been privileged to work collaboratively with non-governmental organizations, pro bono attorneys and law enforcement officials to ensure that survivors of trafficking receive comprehensive legal services and social services. Since its inception in 1998, CAST has been dedicated exclusively to assisting all victims of human trafficking and modern day slavery and working toward ending all instances of such human rights violations.

CAST achieves its mission by providing comprehensive social and legal services to victims, conducting training and advocacy to improve survivors' access to services and resources. CAST has been a trailblazer since its establishment by creating a social service model tailored to the needs of trafficking survivors and drafting comprehensive training curricula with its partners to provide practitioners with the tools to better serve trafficking victims. The latest milestone in CAST's continued leadership in the anti-trafficking movement is the opening of the first shelter for trafficking survivors in the country.

This afternoon, I would like to highlight key portions of the 2004 Trafficking in Persons Report and convey our recommendations on the way the U.S. Government can further strengthen its pioneering efforts to combat trafficking and assist victims of trafficking both at home and abroad.

First, we urge the U.S. Government to amend and improve implementation of the Victims of Trafficking and Violence Protection Act of 2000. Second, we urge the Government to expand efforts to prevent trafficking from source countries. Third, we urge the Government to increase its collaborative efforts with non-governmental organizations nationwide and worldwide that directly serve victims of trafficking.

In 2000, thanks the wisdom and leadership of Congress and anti-trafficking advocates nationwide, the VTVPA was passed to prosecute traffickers, protect victims of trafficking and prevent further trafficking. This landmark legislation recognized that survivors of trafficking urgently need protection for themselves and their families in order to cooperate in a Federal investigation and prosecution.

Today, we have discussed a number of continued presence request granted and certification requests granted. Curiously we have failed to discuss the number of the most important VTVPA benefit granted, visas. Of the approximately 800 or so visa applications that have been submitted thus far, only 371 have been granted. This number, especially in light of the fact that 14,500 or approximately 15,000 persons are trafficked into the United States

each year is a very disturbing figure. These numbers indicate that less than 3 percent of the estimated 15,000 victims trafficked into the United States every year are provided this critical victim protection.

When we consider this figure to be an underestimate, the portion of victims receiving assistance is even smaller. Current officials have set trafficking as a top priority for its government. If the United States is to continue leading the struggle to end trafficking, it must and can do better. Our recommendation is to amend and improve implementation of the benefits provisions of the VTVPA.

CAST commends the U.S. Government on its outreach campaign to raise awareness of trafficking in the United States. As the wealthiest nation in the world, the United States is a major destination country with its alluring promise of the American dream, yet the TIP Report does not mention how the U.S. Government works with its embassies and consulates worldwide to provide information in various languages about workers' rights and immigrants' rights to all foreign nationals applying for a visa to enter the United States. Many trafficking victims receive inaccurate information from their traffickers before, during and after enslavement and many are threatened with inaccurate information to prevent them from escaping.

We at CAST have seen many instances where the very knowledge of one's rights in the United States could have saved a slavery victim from further abuse and possible death. Victims usually do not self identify as victims of trafficking because they are isolated, threatened and live in fear for their well being under the thumb of the traffickers. In fact, this lack of self identification as victims of trafficking is one of the biggest obstacles in discovering and identifying victims of trafficking. Once they become aware that what is being done to them is a violation of their rights, it will be easier for them to come forward to denounce their traffickers.

Conferences have been useful forums for practitioners of all backgrounds and ideologies where they congregate to exchange new ideas, best practices and lessons learned so that innovative programs will be replicated and tailored to meet the needs of victims enslaved in any U.S. State or country in the world. We would like to encourage the U.S. Government to organize international conferences open to all practitioners at home and abroad to allow for transparent and free flowing information and resources so that victims worldwide will be served in the most effective and efficient manner possible.

As the number of trafficked people grows exponentially and traffickers become more savvy in skirting law enforcement, it is critical that governments collaborate closely with non-governmental organizations to find and assist victims. Furthermore, government estimates of the number of people trafficked into the United States every year have changed from 50,000 in 1999 to 18,000 to 20,000 in 2003. In 2004, the estimate was revised further to 14,500 to 17,500 a year citing methodology changes rather than a decline in trafficked persons. CAST and many of the NGO's working in the field believe this number does not fully capture the scope of the trafficking problem in the United States and are concerned that trafficking may be construed as a waning problem.

While we recognize the difficulties associated with measuring this virtually invisible underground activity, we urge the Government to apply more consistent and accurate measurement tools to quantify this increasingly ubiquitous problem that could be as close to the average person as the neighboring home.

On behalf of CAST and other NGO's working to eradicate trafficking and assist victims of trafficking, we praise the work of the U.S. Congress in addressing one of the most egregious human rights violations in the world today and look forward to continuing to collaborate closely with Members of Congress to protect survivors and abolish human trafficking in all of its forms.

Thank you.

[The prepared statement of Mr. Song follows:]

TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS OF THE

GOVERNMENT REFORM COMMITTEE

Trafficking in Persons: The Federal Government's Approach to Eradicate this Worldwide Problem

Recommendations on Trafficking in Persons Report June 2004

Thursday, July 8, 2004
2:00 p.m.
Room 2154 Rayburn House Office Building

Testimony of Charles Song
Staff Attorney
Coalition to Abolish Slavery & Trafficking

Congressman Burton, chair of Committee, Ladies and Gentlemen,

Thank you for the pleasure and honor of speaking with you this afternoon on behalf of nongovernmental organizations working to combat trafficking and the thousands of survivors of trafficking and their families that are working hard to rebuild their lives. I would also like to commend Congressman Burton and Congresswoman Watson for their leadership in championing the rights of survivors of trafficking.

As the Staff Attorney at the Coalition to Abolish Slavery & Trafficking, I have been privileged to work collaboratively with nongovernmental organizations, pro bono attorneys, and law enforcement officials to ensure that survivors of trafficking receive comprehensive legal services. Since its inception in 1998, CAST has been dedicated exclusively to assisting all victims of human trafficking and modern-day slavery and working towards ending all instances of such human rights violations. CAST achieves its mission by providing social and legal services to victims, conducting training and advocacy to improve survivors' access to services and resources. CAST's activities are interconnected by a client-centered approach that seeks to empower trafficked victims to fully realize their individual potential while advancing the human rights of all trafficked persons, including victims of sex trafficking, domestic worker trafficking, and garment worker trafficking, to name but a few. CAST has been a trailblazer since its establishment by creating a social services model tailored to the needs of trafficking survivors and drafting a comprehensive training curriculum with its partners to provide practitioners with the tools to better serve trafficking victims. The latest milestone in CAST's continued leadership in the anti-trafficking movement is that it opened the first shelter for trafficking survivors in the country.

This afternoon, I would like to talk about the recently published Trafficking in Persons (TIP) Report 2004, which chronicles anti-trafficking efforts of 140 countries worldwide and places them in one of three tiers based on their performances. The U.S. government has linked the tier-system to non-humanitarian aid to put pressure on countries that have not made substantial efforts to curb trafficking.

I would like to convey our recommendations on ways the U.S. government could strengthen its efforts to combat trafficking and assist victims of trafficking, both at home and abroad. Human trafficking is a global problem that requires a global response. Globalization, along with the easy flow of information and goods thanks to technological advances, has made trafficking harder to track and easier to hide. Victims are trafficked through multiple routes and various transit points before they arrive in the U.S.. Therefore, it is imperative that the TIP Report take a holistic approach to combating trafficking rather than compartmentalizing trafficking happening in and outside of the U.S.. Treating trafficking in and outside of the U.S. as separate may not reflect the multi-dimensional aspects of the problem and provide a full scope of the issue. The foreign governments' activities need to be linked to U.S. government's efforts to provide a complete picture of the trafficking problem and to be able to tackle it. Furthermore, nongovernmental organizations both in and outside of the U.S. can work closely with foreign and U.S. governments to share their expertise and ground experience in

formulating a multi-pronged response. This approach may facilitate collaboration between governments and enhance relations to mobilize for a common cause.

We urge the U.S. government to: 1) Improve implementation of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), 2) Expand efforts to prevent trafficking from source countries, and 3) Increase its collaborative efforts with nongovernmental organizations nationwide and worldwide that serve victims of trafficking.

Landmark Trafficking Legislation

In 2000, thanks to the wisdom and leadership of Congress and anti-trafficking advocates nationwide, the VTVPA was passed to prosecute traffickers, protect victims of trafficking and prevent further trafficking. The landmark legislation, which is one of the most comprehensive in the world, criminalized trafficking for the first time and granted benefits to victims of trafficking provided they cooperate in a federal investigation. To date, not one single trafficker has been prosecuted under the new trafficking statute introduced in the VTVPA. Instead, they have been convicted of existing statutes, such as human smuggling and kidnapping, which usually carry lighter prison sentences. The new trafficking statute could carry a 20-year prison sentence with a maximum life sentence for some offenses, and this statute has yet to be applied in trafficking cases. Traffickers ought to pay for their crimes, especially if the legal measures to prosecute them already exist.

The number of investigations and benefits issuance has grown significantly since the VTVPA was enacted. Yet the absolute number of investigations and prosecutions of traffickers, certification letters that would allow victims to receive benefits, and T-visas that would allow victims to stabilize their immigration status and focus on rebuilding their lives, has room for improvement.

As of April 2004, the Department of Justice's Criminal Section of the Civil Rights Division had 153 open trafficking investigations. There were 26 convictions in all of FY2003. The Department of Health & Human Services granted 151 certifications and benefits eligibility letters in FY2003. As of November 2003, the Department of Homeland Security approved 328 – or less than half – of the 757 T-visa applications filed. The VTVPA mandates an annual quota of 5,000 T-Visas or nearly 20,000 over four years since it was passed. The numbers indicate that the VTVPA assists less than three percent of the estimated 14,500 to 17,500 victims trafficked into the U.S. every year. When we consider this figure to be an underestimate, the portion of victims receiving assistance is even smaller. Current Administration officials have set trafficking as a top priority for its government. It is safe to say that the VTVPA and its supporters had not intended to have traffickers going unpunished for this heinous crime and victims left without proper immigration status, work permits or basic survival necessities.

What Tier is the U.S.?

CAST commends the U.S. government on its outreach campaign to raise awareness on trafficking in the U.S.. As the wealthiest nation in the world, the U.S. is a major destination country with its alluring promise of the American Dream. Yet the TIP Report does not mention how the U.S. government works with its embassies and consulates worldwide to provide information in various languages about workers' rights and immigrants' rights to all foreign nationals applying for a visa to enter the U.S.. Many trafficking victims receive inaccurate information from their traffickers before, during and after enslavement, and many are threatened with wrong information to prevent them from escaping. We at CAST have seen many instances where the very knowledge of one's rights in the U.S. could have saved a slavery victim from further abuse and possible death. Victims usually do not self-identify as victims of trafficking because they are isolated, threatened and live in fear for their well-being under the thumb of the traffickers. In fact, this lack of self-identification as victims of trafficking is one of the biggest obstacles in discovering and identifying victims of trafficking. Once they become aware that what is being done to them is a violation of their rights, it will become easier for them to come forward to denounce their traffickers.

International Forums on Trafficking

Conferences have been useful forums where practitioners of all backgrounds and ideologies congregate to exchange new ideas, best practices and lessons learned so that innovative programs will be replicated and tailored to meet the needs of victims enslaved in any U.S. state or country in the world. We would like to encourage the U.S. government to organize international conferences open to all practitioners at home and abroad to allow for transparent and free-flowing information and resources so that victims worldwide will be served in the most effective and efficient manner possible.

As the number of trafficked people grows exponentially and traffickers become savvier in skirting around law enforcement, it is critical that governments collaborate closely with nongovernmental organizations to find and assist victims. Furthermore, government estimates of the number of people trafficked into the U.S. every year has been changed from 50,000 in 1999 to 18,000-20,000 in 2003. In 2004, the estimate was further revised down to 14,500-17,500 a year, citing methodology changes rather than a decline in trafficked persons. CAST and many of the NGOs working in the field believe this number does not fully capture the scope of the trafficking problem in the U.S., and are concerned that trafficking may be misconstrued as a waning problem. CAST alone has served over 200 survivors of trafficking since its inception in 1998 and the Samoan case alone had another 200 survivors. While we recognize the difficulties associated with measuring this virtually invisible underground activity, we urge the government to apply a more consistent and accurate measurement tool to quantify this increasingly ubiquitous problem that could be as close to the average person as a neighboring home.

Conclusion

On behalf of CAST and other NGOs working to eradicate trafficking and assist victims of trafficking, we praise the work of the United States Congress in addressing one

of the most egregious human rights violations in the world today and look forward to continuing to collaborate closely with members of Congress to protect survivors and abolish human trafficking in all of its forms.

Thank you.

Mr. BURTON. Thank you,

I have been advised by my staff that we are going to have between seven and eight votes starting between 4 and 4:30 p.m., so I want to make sure that we hear our panel and have time for questioning, so we will try to move along as quickly as possible.

Mr. Ellerman.

Mr. ELLERMAN. Thank you for convening this hearing on modern day slavery and for giving me the opportunity to share with you our experience in combating trafficking in the United States.

I want to begin with a personal note of thanks. We work every day with women in the sex trafficking networks, we work with women who have been brutally abused, who have been raped, who have been threatened with death and many of whom have very little hope or very little trust. It means a tremendous amount to me to be able to say to them that my government does care about their situation. I know that is not something that can be said in every country, so I want to thank you for today demonstrating again your commitment to me and to all the victims with whom we work.

Polaris Project is a multicultural, grassroots, nonprofit and committed to combating sex trafficking. We are based in Washington, DC, and will be opening offices in New Jersey and in Tokyo, Japan in the fall. In the D.C. area, we operate the Greater D.C. Task Force Against Trafficking in Persons working closely with law enforcement to identify trafficking operations in the sex industry. Our multicultural staff conducts outreach, providing information on our 24 hour hotlines in Korean, Thai, Spanish and English. In partnership with the Metropolitan Police of D.C., we operate a Sex Trafficking Assessment Team that accompanies the MPDC Prostitution Unit on raids of brothels to conduct culturally sensitive victim assessment services.

Many people have very little understanding of the enormity and the brutality of sex trafficking in the United States. When we think of sex trafficking, we normally think of Thailand or Nepal. We don't think of a suburban house outside of D.C. with $400,000 homes and manicured lawns where women are being beaten, raped and prostituted under the threat of death.

We were able to get those women out but there are many other women and children who are still under the control of traffickers. Polaris Project has a data base of around 175 commercial sex operations that are at high risk for trafficking in the greater D.C. area in Korean, Latino, Chinese and internal trafficking networks. D.C. pales in comparison to the massive networks that are present in LA, New York and other areas. With more funding, we could all expand our efforts to other cities and to other hot spots in the United States.

Some of these operations are based out of residential houses, many of them unknown to law enforcement. They are advertised only to men of certain ethnic background. Others operate much more openly as commercial front massage parlors advertised in places like the Washington Post and Super Pages. Within a 1 mile radius of the White House alone, we are aware of 12 brothels in Korean and Latino networks that have high risk for trafficking. So we should all understand that modern day slavery could not be closer to home.

Our Victim Outreach Team has begun to break into the isolation of these networks using outreach techniques designed in collaboration with survivors the sex trafficking networks but we have still barely scratched the surface. The Government and the NGO groups have barely scratched the surface.

The standard I use to evaluate how well the U.S. Government is doing or how well groups like us are doing on this issue is asking have the majority of the traffickers noticed yet, particularly have the victims noticed yet? I think unfortunately even almost half a decade after passage of the TVPA, the answer is overwhelmingly no.

There has been an increase in prosecutions as Mr. Acosta talked about but less than 1 percent of the estimated 17,000 victims that are trafficked into the United States each year have been officially identified and assisted by the U.S. Government so far. That is a shocking statistic. I think if there is one statistic that reminds us how far we still have to go, that is certainly the one.

Based on our experience working in the field with law enforcement, working with survivors and working with service agencies, I want to share three areas where I think we must improve. The U.S. Government and some of the witnesses here have mentioned that one of the largest obstacles to our progress so far has been the identification of trafficking victims. Many victims cannot leave their brothels, they don't contact third parties and so the dominant approach that the Federal Government has taken so far which is encouragement of third party reporting is inherently limited. It is a vital component to have if third parties are not aware of the victims, they cannot report on their cases.

Federal and local law enforcement have the responsibility to proactively investigate commercial sex operations that are similar to networks that have trafficked victims before. Given the gravity of the crime and its importance to the U.S. Government, the Federal law enforcement should not assume that locations are primarily just places of prostitution. They should verify that trafficking is not present. Unfortunately, too often this is not possible because of resource constraints at the Federal level and prioritization of other crimes besides modern day slavery.

The second is combating the root causes of trafficking in the country. Trafficking persons is the fastest growing criminal industry for two primary reasons. The first reason is that traffickers are rarely prosecuted. There is almost no risk to trafficking persons. The second reason is that there are very large profits that can be made very quickly. Both of these causes can be addressed through aggressive enforcement at the Federal and local level. People who are willing to exploit the most vulnerable of victims will not think twice if they think it is more likely for them to receive a parking ticket than to be prosecuted for modern day slavery. The men who buy the sex will not stop adding to the industry's coffers if they believe they will not be held accountable. So we must facilitate increased prosecutions if a deterrent effect is to be created and we must create funding opportunities in particular for local enforcement to give them the encouragement to work more on this issue.

We have also found in the course of our work that traffickers are using techniques that amount to coercion but that fall outside the

statutory language defining the offense of trafficking in persons. We must look at adjusting to the reality of trafficking on the ground. We must broaden the statutory language to include these new, more sophisticated but widespread control techniques including use of verbal intimidation, use of hierarchy within a cultural context, exploitation of vulnerability of the victims, things that are covered under the U.N. protocols but not covered under the Federal law.

The last thing I want to mention is recently a girl shared her story with me about how since she was an early teen, she was forced to provide sex for men. She was beaten, she was raped by her trafficker. Remarkably enough most untrained law enforcement in the United States probably would not consider her a victim of trafficking because she is a U.S. citizen. The Federal law protects U.S. citizens and foreign nationals equally but in practice, most U.S. citizen victims continue to be prosecuted as prostitutes and have not received the type of protection that they need.

In the DOJ assessment of trafficking released last year, the report almost ignored the internal trafficking of citizens in the United States except for a footnote that stated that there are an estimated over 200,000 American youth that are trafficked into sexual exploitation. That was the only mention, a footnote, and it went on to say it would not be covering that in the report.

Mr. BURTON. We are going to have about six or seven votes and we will be tied up for over a hour and I don't want to hold the panel, so if you could summarize so we could ask a couple questions, I would appreciate it.

Mr. ELLERMAN. If any country can cross the trafficking industry within its borders, it is the United States. Thank you for your continued work. Your efforts have not and will not go unnoticed by the people to whom it matters most which are the victims themselves.

Thank you.

[The prepared statement of Mr. Ellerman follows:]

TESTIMONY

of

DEREK P. ELLERMAN

Co-Executive Director, Polaris Project

Before

Subcommittee on Human Rights and Wellness
Committee on Government Reform
United States House of Representative

July 8th, 2004

Mr. Chairman and Subcommittee members,

Thank you for convening this hearing on modern-day slavery and for giving me an opportunity to share with you our experience combating the trafficking networks in the United States.

I want to begin with a personal note of thanks. We work every day with women in the sex trafficking networks either through direct outreach to the brothels or through case work. We work with women who have been brutally abused, raped, and threatened with death – and who often, understandably, have little hope or trust. It means a tremendous amount to me to be able to say to them that my government cares about their situation - something that I know cannot be said in every country. Thank you again for demonstrating your commitment today to us and to all of the victims with whom we work.

Polaris Project is a multicultural, grassroots non-profit committed to combating sex trafficking. We are based in Washington, DC, and will be opening offices in the New York/New Jersey area and in Tokyo, Japan in the Fall of 2004. In the area of victim identification, we are considered one of the most innovative and aggressive agencies in the U.S., and are strong proponents of what we call the Proactive Approach.

In the DC area, we operate the Greater DC Task Force on Trafficking in Persons, working closely with law enforcement to identify trafficking operations in the sex industry. Our multicultural staff conduct direct outreach into brothel locations, providing information about our 24 hour Hotlines in Korean, Spanish, Thai, and English. In partnership with the Metropolitan Police of DC (MPDC), we operate a Sex Trafficking Assessment Team (STAT) that accompanies the MPDC Prostitution Unit on raids of brothels to conduct culturally-sensitive victim assessment.

Many people have little understanding of the enormity and the brutality of the sex trafficking industry in the United States. When they think of sex slavery, they think of Thailand or Nepal – not a suburban house outside of DC, with $400,000 homes and manicured lawns, where two women were beaten, raped, and prostituted under the threat of death. Polaris Project's DC Task Force facilitated the escape of those two women, but there are many more women and children who have yet to be assisted. Polaris Project has a database of over 175 commercial sex operations at high risk

for trafficking within Korean, Latino, Chinese, and internal networks in the Greater DC area. And DC pales in comparison to the massive networks in New York, Los Angeles and elsewhere.

Some of the operations are based out of residential homes, many unknown to law enforcement, and advertised only through word of mouth to men of certain ethnic backgrounds. Others operate openly out of thinly veiled commercial front massage parlors, advertised out of publications like the Washington Post and Super Pages. These operations are located in suburbia and downtown business and government areas, and their customers include professionals and government workers. Within a one-mile radius of the White House alone, we are aware of twelve brothels in Korean and Latino networks at high risk for trafficking. Modern-day slavery could not be closer to home.

Our Victim Outreach Team has begun to break into the isolation of the networks, using outreach techniques designed in collaboration with survivors of the trafficking networks. But the efforts of NGO groups and the government have still barely scratched the surface, leaving the vast majority of the victims trapped under the control of their traffickers.

The standard I use to evaluate how well the US is doing against trafficking is "Have the traffickers noticed yet?" and particularly, "Have the victims noticed yet?" The answer, overwhelmingly, even almost half a decade after the passage of the TVPA, is no.

While there has been an increase in prosecutions, less than one percent of the estimated 17,000-20,000 international victims trafficked into the U.S. have been identified and assisted by the government, and almost half of those numbers came from a single case. If there is one statistic to remind us of how far we have to go, it is this one. If less than one percent of the victims of assault or rape were identified by the government, the American people would be outraged. We must understand why we are failing and how we must change our policies and practices to succeed.

Based on our experience in the field working with law enforcement, survivors, and service agencies to combat trafficking, I would like to share with you three areas where I believe we must improve.

1. Identifying the Victims of Trafficking

The U.S. Government has recognized that one of the largest obstacles to progress so far has been the identification of trafficking victims. Until we can find the victims of this underground industry, we cannot assist them or prosecute their traffickers. In our experience working with women in Korean, Latino, Chinese and other sex trafficking networks, women are almost wholly isolated - cut-off from contact with anyone except their traffickers, other victims, and the men who buy sex.

The primary strategy for victim identification that the federal government has adopted and funded is to encourage third-party reporting of cases by social service providers, local law enforcement, and the public. This approach, while a vital component, should not be the primary strategy because most victims cannot leave the brothels and rarely contact third parties.

Federal and local law enforcement have the responsibility to proactively investigate commercial sex operations that are similar to networks that have trafficked victims before. If customers and groups like us can find these locations, then certainly law enforcement can.

When Polaris Project obtains information on commercial sex operations that are at high risk for trafficking, federal law enforcement consistently informs us that they are unable to investigate unless more direct evidence for trafficking is obtained, such as first-hand testimony from the trafficking victim. Given the gravity of this crime and its importance to the US government, law enforcement should proactively verify that trafficking is not present at these locations. If there is smoke, we cannot afford to wait until people inside the burning building have verified that fire is present before we act. Unfortunately, this is what generally happens due to resource constraints at the federal level and prioritization of other crimes above modern-day slavery.

2. Combating Root Causes through Aggressive Prosecution

Trafficking in persons is the fastest growing criminal industry in the world for two primary reasons. First, traffickers face almost no risk of prosecution or penalties for their crimes. Second, traffickers can make large profits very quickly. Both causes can be addressed through aggressive enforcement at the federal and local level. People who are willing to exploit the most vulnerable of victims will not think twice if they believe they are more likely to get a parking ticket than to be prosecuted for

modern-day slavery. The men who buy sex through the traffickers will not stop adding to this criminal industry's coffers if they think there is little chance of accountability.

In the course of our work with sex trafficking networks, we have also found that traffickers are using techniques that amount to coercion and yet fall outside of the statutory language defining trafficking in persons. These practices include verbal intimidation, use of hierarchy within a cultural context, exploitation of the vulnerability of the trafficking victim. The statutory language must be broadened to recognize these more sophisticated, yet widespread, control techniques in order to facilitate prosecution of these cases.

The bottleneck that is constraining increased prosecution of traffickers is the resource constraints on federal law enforcement, the lack of state laws against trafficking, and the lack of enforcement of existing state laws related to trafficking. We must provide the necessary financial resources to increase investigation and prosecution capacity at the federal level and must modify or supplement statutory language to facilitate prosecution, adjusting to the changing methods of the traffickers.

3. Protecting and Serving All Victims

Recently, a girl shared her story with me about how since her early teen years she was forced to provide sex for men and endured beatings and rape by her trafficker. Remarkably enough, most law enforcement, when viewing her case, would not view it as human trafficking. Why? Because she is a citizen of the United States.

While the federal laws against trafficking equally protect foreign nationals and U.S. citizens, in practice, U.S. citizen victims are usually prosecuted as criminals, rather than protected as victims of a human rights abuse.

When I explained to this girl that laws such as the TVPA protects anyone under situations of modern-day slavery, she asked me why that law has not helped her and the thousands of other children like her. I did not have a very good answer for her.

The U.S. government has begun to face the problem of internal trafficking, as evidenced by the focus on this issue in the latest TIP Report. But we have largely failed to recognize the enormity of the issue within our own borders and provide an adequate response. In the DOJ *Assessment of U.S. Activities to Combat Trafficking in Persons* released earlier this year, the report almost ignored the internal trafficking of citizens in the U.S., except for a footnote that stated that it is estimated that over 200,000 American youth are trafficked into sexual exploitation. The footnote went on to say that this would not be the focus on their report. That shocking fact merits more than a footnote.

The US government must face the reality that hundreds of thousands of U.S. citizens are trafficked under brutal conditions within our own borders. An American who buys sex from a child in Thailand faces greater risk of prosecution and severe sentencing by U.S. authorities than if he buys sex from a child on K Street NW. We must protect the victims, prosecute the traffickers, and provide comprehensive and specialized services. Currently, the federal law does not provide funding for comprehensive and specialized services for internally trafficked victims – Congress must change the statutes to provide these vitally needed provisions.

If any country can crush the trafficking industry within its borders, it is the United States. Thank you for your continued work – your efforts have not and will not go unnoticed by those depend on your commitment – the victims themselves.

Mr. BURTON. Thank you.

Let me make a couple of quick comments and questions and I will yield either to Ms. Watson or Mr. Smith and we will move on.

You said there are 175 sex operations in the D.C. area. If you could give us some information on that, I would really appreciate that.

Mr. ELLERMAN. Absolutely.

Mr. BURTON. I know you want to keep that kind of under wraps so we can nail these bad guys but we would like to have that if we can.

You indicated there were some grants that were necessary that could be expanded that would be helpful. We would like to know also about those grants that you think could be expanded that would be helpful and in what way. If you could get that to us, we would appreciate it.

Also, the three of you, in addition to the members that we had on the first panel along with the Members of Congress, if we could urge you to contact State or local affiliates of the networks as well as the major networks themselves on getting public service announcements, it would be very helpful. It would help your cause as well as making the public more aware of this issue who are not really as aware as they should be.

You said only 1 percent of 17,000 people were being helped out of the 17,000 victims coming in each year to the United States or the people being prosecuted. If you could give us some data on that, I would like to know that. I thought according to Justice we were doing better than that. If you can give us that, we would appreciate it.

Finally, you said we needed some change in statutory language to go after some of the people that are falling through the cracks right now. If we could have something so that Chris Smith and I could work on that. I know Chris is probably writing all this down as we speak but we would like to have any information on that we can so we can pursue that and maybe clean up or expand the language so it would be more effective.

Chris, go ahead.

Mr. SMITH. Again, Mr. Chairman, thank you for your leadership for many years and not just in today's hearing.

I have a couple questions to Mr. Song. You mentioned the T visa not being utilized as effectively as it could be. I raised that a number of times with Justice. Are they issuing continued present status in lieu of the T visas in your opinion or what do you think is happening there?

Mr. SONG. They are issuing continued presence when appropriate and when necessary. I think part of the problem with continued presence is it is not being granted as quickly as it could be. Some trafficking victims, once they come out and have the courage to report to law enforcement, they are asked to undergo interviews with the U.S. Attorneys' office, the FBI or ICE to determine whether they are a victim of a severe form of trafficking so they can decide whether to issue the continued presence or not. Some officials unfortunately still don't understand what continued presence is or that it is even available, so that is one problem.

Some of them don't understand it well enough to know that they should be issuing the continued presence as soon as possible. Sometimes victims who have escaped rape, abuse for years at a time are told before we give you anything, any benefits, any kind of protection, you have to sit through grueling, detailed interviews for hours at a time or days at a time and then we have to think about it for days or weeks or months to decide whether you are a continued presence applicant. I think that kind of application is not what you intended when you drafted the TVPA and I think a lot of it is information and training issues but that needs to be implemented much faster. Imagine if you will that it was your son or daughter or somebody close to you that was trafficked and put in these situations. Would you tell them before we provide you any benefits, you have to sit through these interviews when they are in urgent need of care? I don't think so.

In regard to the T visa, I am in agreement with Mr. Ellerman that there are a few barriers, unintended barriers albeit, but a few barriers that exist that make it difficult for people to want to apply and to get the T visas. I think the fact we have less than 400 T visas granted in 4 years is just unacceptable.

Mr. SMITH. As you know, for the first year it wasn't even up and running, the regulations had not been promulgated.

In terms of the intra versus the inter country, it reminds me of the whole argument about refugees versus IDPs, a distinction without a difference for the poor soul who is suffering and doesn't have food and has to live in the equivalent of a refugee camp but they are still in-country. One of the things I think we need to do in addition to legislation is, as Mr. Ellerman mentioned before, to capture not just for statistical purposes but for action oriented purposes of helping those people, both in our country and in places like India and elsewhere where there are large numbers of people moving in the State or in the country to ensure they get protection. I think that would skew our Tier 3 list rather dramatically if we were to include those who have been so malaffected but are not counted because they don't cross over a border.

Any ideas any of you have, again, I look to all three of you and your organizations and some of the other NGO's have provided great, useful suggestions and we want to receive them again for a third look and a third iteration if you will of this bill so that we can expand it.

Ms. Clark, you mentioned the clandestine brothel. Just a case in point, in Plainfield, NJ, a wonderful town, our U.S. Attorney found a brothel with trafficked Mexican girls under age every one of them and those who did it got 17 and 18 years, those who committed these crimes and those girls have been protected and are now living in freedom.

It is right, literally under our noses and so we need to be much more vigilant and hopefully we will be to capture them and to liberate the women.

Thank you.

Mr. BURTON. I am so sorry that we have eight votes and it is going to take a hour before those votes are concluded. I don't want to hold you but if you would give us the information we requested, I promise you that we will do what we can to maybe talk to the

local police and let them know we are watching what is going on to see if we can do something about that.

Mr. SMITH. Would the chairman yield?

Mr. BURTON. Yes.

Mr. SMITH. Mr. Ellerman made a very good point about the Washington Post and I am sure many other reputable newspapers have the same problem. If you go to their sports pages or in other parts of the newspaper, the advertisements for these so called massage parlors are very often fronts for trafficked women. It is a scandal that the Washington Post should carry such advertisements for such nefarious practices. Hopefully we can get them to pull it.

Mr. BURTON. In any event, thank you very, very much for being here. We will probably be talking to you real soon.

We stand adjourned.

[Whereupon, at 4:05 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]