

**MONITORING AND COMBATING TRAFFICKING IN  
PERSONS: HOW ARE WE DOING?**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON NEAR EASTERN  
AND SOUTH ASIAN AFFAIRS  
OF THE  
COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE  
ONE HUNDRED SEVENTH CONGRESS  
SECOND SESSION

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## MONITORING AND COMBATING TRAFFICKING IN PERSONS: HOW ARE WE DOING?

THURSDAY, MARCH 7, 2002

U.S. SENATE,  
SUBCOMMITTEE ON NEAR EASTERN  
AND SOUTH ASIAN AFFAIRS,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The subcommittee met at 3 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Paul Wellstone (chairman of the subcommittee), presiding.

Present: Senators Wellstone and Brownback.

Senator WELLSTONE. The hearing before the Senate Subcommittee on Near Eastern and South Asian Affairs will come to order.

I want to apologize to all of you who are here, panelists and those who are intensely interested in the hearing and the issue before us. We had some votes and it was unavoidable, otherwise I would not have kept you waiting. I am sure that Senator Brownback is probably on his way over here as well, and we will try to move things forward expeditiously. Senator Brownback is here right now.

Certainly what I want to try to do is myself be relatively brief and then hopefully Senator Brownback as well, and we will ask each of you to try to stay within a 5-minute limit. Then we will have questions. Probably some of the questions we will submit in writing as well because we have a number of people who are here to testify.

Sam, I was apologizing for the delay, explaining the votes that we had.

A year ago, the Congress enacted landmark human rights legislation to put an end to trafficking in human beings. This was the Trafficking Victims Protection Act, and it provided a comprehensive plan of attack on trafficking from various agencies of the Federal Government and the advocacy community as well. There were prevention programs. I guess we called it the three P's. There was the protection of trafficking victims, and then there was the prosecution of the traffickers.

I would like to again, for probably the 100th time, thank Senator Brownback for his wonderful leadership in this area. It has been a joyous journey for me to be working with him.

Today's hearing is actually to assess our efforts against human trafficking one year after the passage of the bill.

We have asked the witnesses to discuss the extent to which various agencies of the U.S. Government have discharged the responsibilities imposed upon them by the act. We need to know whether we have effectively used the tools provided by the act, and we need to know whether new tools might be necessary. A law without vigorous and effective implementation and oversight, at least in my view, is worse than no law at all because it lulls us into the false sense that we have done something to solve the problem. We are here today to learn whether or not we are doing all that we can to end this trafficking in persons, and we are here today to learn how committed the administration is to truly solving this growing problem of modern day slavery.

I think the administration has done some very important work. The State Department released its first Trafficking in Persons report in July of last year. The Office to Monitor and Combat Trafficking in Persons was established later that October. We are now in the administrative comment period for the regulations implementing the trafficking T-visa at the Department of Justice, and the first meeting of the Interagency Task Force on Trafficking was held last month. But I think much more remains to be done.

I will finish with concerns. I wanted to start with the positives because I think you should always give credit to people when they are doing good work.

I am concerned that many victims of trafficking are not getting the assistance they need because the programs may not be designed appropriately or interagency coordination is lacking. I am concerned that many victims are still not recognized as trafficking victims due to lack of effective training back in our states for law enforcement. And I am concerned that our diplomatic message may not be getting through. We expect other nations to take vigorous actions to fight trafficking and we will hold them accountable if they do not. All of these concerns I hope will be addressed by the panelists.

I am going to be asking the Office of Trafficking to tell me—I know there was a hearing just a day or two ago, but from my point of view, the Office of Trafficking is critically important in bringing the agencies together and having a real clear focus and having some benchmarks. And I am not sure that has been done in anywhere near as rigorous or vigorous a fashion as I would like to see.

I am going to be asking questions about the INS because it seems to me, on the basis of reports we are hearing, that you have got some of these women and children in detention centers. We need the INS to be going into those detention centers to be interviewing these women and children and to be getting them out. That has not happened to the extent that it should. I understand we are only in one year, but I am impatient to see this happen on the ground.

The Health and Human Services Administration. We received some calls from law enforcement that are doing their best, and they say, listen, we have got these refugees and they need specialized services. These are victims of trafficking, and yet we do not really know where to get the help for them. Obviously, Health and Human Services needs to do a better job of getting these specialized services to them.

We know that some of these traffickers are being prosecuted, but I do not understand, Senator Brownback, why they are not being prosecuted according to the new criminal statutes that came with this legislation. And I am going to be asking questions about that.

I do not want to take up any more time. I again want to thank all of the panelists for being here. I want to thank all the rest of you for being here, and I want to say that I am privileged to be working with Senator Brownback.

[The prepared statement of Senator Wellstone follows:]

PREPARED STATEMENT OF SENATOR PAUL D. WELLSTONE

Thank you all for coming today. Just over a year ago, Congress enacted landmark human rights legislation to help put an end to trafficking in human beings. The Trafficking Victims Protection Act (TVPA) provided a comprehensive plan of attack on trafficking from various agencies of the Federal government and the private sector. It provided for prevention programs, the protection of trafficking victims, and the prosecution of traffickers. The purpose of today's hearing is to assess our efforts against human trafficking one year after passage.

We have asked our witnesses to discuss the extent to which various agencies of the United States government have discharged the responsibilities given them by the Act. We need to know whether they have effectively used the tools provided by the Act, as well as whether new tools might be necessary. A law without vigorous and effective implementation and oversight can actually be counterproductive if it lulls us into a false sense that we have solved a problem. We are here today to learn whether we are doing all that we can to end trafficking in persons. We are here today to learn how committed this Administration truly is to solving the growing problem of modern day slavery.

I applaud the Administration for the work it has done so far. The State Department released the first Trafficking in Persons Report in July of last year. The Office to Monitor and Combat Trafficking in Persons was established later that October. We are now in the Administrative comment period for the regulations implementing the new trafficking T-visa at the Department of Justice, and the first meeting of the Inter-Agency Task Force on Trafficking was held last month. But much more remains to be done.

I am concerned that some victims of trafficking are not getting the assistance they need because programs may not be designed appropriately, or inter-agency coordination is lacking. I am concerned that some victims are still not recognized as trafficking victims due to the lack of effective training for law enforcement. And I am concerned that our diplomatic message may not be getting through. We expect other nations to make legitimate efforts to fight trafficking and we will hold them accountable if they don't. I hope all of these concerns will be addressed here today.

Trafficking in persons is one of the fastest growing areas of international criminal activity, now ranking third as the largest source of profits for organized crime behind only guns and drugs. We should be very clear in our understanding of this problem. It is a growing industry. It affects virtually every country in the world, and it must be stopped. The United States has a moral obligation to lead this fight, and I know we will do the right thing. I am confident there is still broad bi-partisan support in Congress for whatever is necessary—more resources, further legislation, whatever it takes—to win the worldwide struggle against trafficking.

Senator WELLSTONE. Senator Brownback.

Senator BROWNBACK. Thank you very much, Mr. Chairman. It has been my pleasure to be able to work with you and to hold this hearing, that a year later we are going to look at the progress being made under this particular bill that I think was one of the most significant pieces of anti-slavery legislation that has passed since 1865, when it moved forward and was passed last year. We are moving and pushing for freedom.

Our assignment in this bill that we have given to the administration and others pressing forward with this is to eradicate slavery, starting with forced prostitution. The central objective was and re-

mains freeing victims everywhere and empowering those who do this noble work.

I suppose there were similar tensions regarding objectives and getting it initially implemented back in pre-1865 days. I think of some of the legendary figures of that time, of William Wilberforce, a parliamentarian in England, or Amy Carmichael in India who faced overwhelming odds at that time, who poured their lives into their work to end slavery, to end temple prostitution in India.

I would like to think, Mr. Chairman, that we have in the audience here today some like-minded people with those individuals, heroic people who really worked a long time to try to bring freedom to these people who are underserved, not represented in some of the most difficult, dire situations that today's modern culture could find. And we want to empower you to work and to press this on forward.

There are some technical admonitions I could make, which we will hear about today, but I really am more compelled to talk about the larger issues.

I want to press the State Department and administration to encourage them to engage in direct advocacy to end trafficking, going beyond reporting, which is important. And I think your initial reports have been fantastic. I have stated that to Secretary Powell. I want to state that to Under Secretary Dobriansky, but to also say we need to move on forward past that into advocacy—and I am sure you will talk some about that today—advocating directly with countries worldwide to end this obscene practice, coordinating amongst countries regionally because I assure you the traffickers do. And you know what it takes and you are working on that effort, and I want to encourage that to move forward on advocacy.

Combating trafficking is among the top human rights agendas for this administration. Truly you are cursed with a great and historic task and also blessed with that opportunity. Please fully embrace this assignment to deliberately and aggressively advocate for the eradication of trafficking both internationally and domestically. This legislation was written for you to do just that.

Separately, Mr. Chairman, there will be a witness also on the third panel today. Carol Smolenski of ECPAT is going to testify about an insidious practice of tour operators worldwide on international sex tourism. I point this out because some of the operators are deliberately targeting international pedophiles and other adults who engage in this practice offering children with impunity.

What I want us to do and look toward is the possibility of legislation in this area to be able to prosecute those who would engage in such a horrific international practice, and we will be hearing Ms. Smolenski a little bit later on in the third panel. And I am hopeful that we can press forward on addressing that legislatively. A number of Senators have expressed interest on working on that piece of legislation.

Mr. Chairman, I hope we can get at the problems here at this hearing, but overall too, I want to make sure that people understand that I am excited about what has taken place to date. I think there are things that we need to continue to press forward and, as the chairman said, we are impatient about it. But the steps that have been taken I think have been great. We want to keep moving



those on forward because the little girls and little boys who are being held in some of these situations cannot wait, and we need to be as aggressive as we can. I know the administration shares that objective.

Mr. Chairman, thanks for working with this legislation and thank you for holding this hearing.

Senator WELLSTONE. Thank you, Senator Brownback.

We have some statements here, one from Theresea Loar, president, Vital Voices Global Partnership, that will be included in the record, and also one from Eugene Scalia, Solicitor of Labor, U.S. Department of Labor. That will also be included in the record.

Senator BROWNBACK. I have a statement, Mr. Chairman, from Equality Now to submit for the record.

Senator WELLSTONE. And another one from Equality now, which will also be included in the record.

[The statements can be found beginning on page \*\*:]

Senator WELLSTONE. We can actually hold the record open too for another 2 weeks for additional statements if you want to submit those.

We are going to hear the first panel. Again, I want to ask everyone, if you can, to try to stay within a 5-minute limit. Dr. Paula Dobriansky, who is Under Secretary of State for Global Affairs. We thank you for being here and thank you for your leadership. Mr. Viet Dinh, who is Assistant Attorney General, Office of Legal Policy, and prior to that was at Georgetown University Law Center. I could give you all much more extensive introductions. You have got real impressive resumes, but I think we want to get right to the substance of it. Secretary Dobriansky.

**STATEMENT OF HON. PAULA DOBRIANSKY, UNDER SECRETARY OF STATE FOR GLOBAL AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC**

Ms. DOBRIANSKY. Thank you, Mr. Chairman. Thank you for holding today's hearing. I will submit my full text for the record and make some brief comments.

Senator WELLSTONE. It will be included in the record.

Ms. DOBRIANSKY. Thank you.

It is important to review the progress we have made on monitoring and combating trafficking in persons since the passage of the anti-trafficking law.

The United States Government's efforts to fight trafficking and protect trafficking victims have been greatly enhanced by the Trafficking Victims Protection Act of 2000. I applaud you and your colleagues for your foresight in the creation of this law. It was enacted due to your leadership, your commitment, your tireless efforts and dedication.

This law has provided policymakers and prosecutors with the tools necessary to fight trafficking in persons.

Since the law's passage, I am pleased to report that we have released the first Trafficking in Persons report. We are working on the next. We established the Trafficking Office and convened the first President's Interagency Task Force on Trafficking.

I might add that the law has also not only been an important tool in fighting trafficking in persons, but it has also been an in-

valuable model to share with other countries that are committed to ending this horrendous violation of human rights.

Let me just say a few words about the report. Last July, the Secretary of State released the first annual Trafficking in Persons report. It was based on information gathered from 186 embassies and consulates, as well as reporting from NGOs, international organizations, and the press.

The report is an invaluable tool in our bilateral dialog on trafficking. It has prompted many countries at senior levels to engage with the United States on this issue. Significantly several countries, in fact, have asked for our advice and assistance in developing a plan of action to combat trafficking as a result of the report.

In addition, the Department released earlier this week the annual Country Reports on Human Rights Practices, which included expanded information on trafficking and which was called for in the act.

We are now preparing the 2002 Trafficking in Persons report, and in producing this next report, we have carefully considered many suggestions that we have received from the non-governmental community, from Members of Congress, from congressional staff, and from others. One key area that we have strengthened in our solicitation out to our posts is governmental corruption. Basically we have asked our posts to come in with much more specific, concrete data in this area.

Let me say a few words about the office. In October 2001, the State Department's Office to Monitor and Combat Trafficking was established. It reports directly to me and coordinates policy and programmatic efforts with respect to trafficking in persons. Ambassador Nancy Ely-Raphel is the Senior Advisor and Dr. Laura Lederer is the Deputy Senior Advisor of the office.

I am also pleased to announce today that the office will soon be fully staffed with 14 permanent positions and complemented with personnel from other agencies, specifically HHS, DOJ, CIA, and USAID. In other words, commitments have been made and some are already in place as detailees to the office.

The office focuses on three key areas: the compilation and the release of the Trafficking in Persons report, the assessment and implementation of programs, and outreach not only to partner agencies, to Congress, the non-governmental community, but also outreach entails our diplomatic strategy.

A few words about the task force. Last month, the Task Force to Monitor and Combat Trafficking in Persons was convened and chaired by the Secretary of State. I would like to thank Senator Brownback and Mrs. Wellstone, as well as Representative Chris Smith, for joining the first meeting of the task force. At the task force, Secretary Powell announced the formation of a senior policy advisory group.

I convened the first meeting of this group which is a subgroup of our Democracy PCC. It will meet regularly, and it is to provide policy oversight and coordinate policy and programs on an inter-agency basis.

A few other words, and then I will bring my remarks to a close.

The Trafficking Office is designing a State Department-wide international program strategy to identify prevention, prosecution and protection needs in each country, and to assist governments and non-governmental and international organizations to address trafficking. We will tailor our programmatic initiatives to identify the opportunities for greatest improvement and the greatest needs. We will ensure that our programmatic and diplomatic strategy are complementary to ensure that we are holding governments accountable and encouraging strengthened political will, while providing programmatic support where needed.

I have just a minute more.

Senator WELLSTONE. Absolutely.

Ms. DOBRIANSKY. We are committed to also reaching out to the public to educate them both domestically and internationally about the issue and what the United States is doing. At every opportunity, I have raised trafficking in my meetings with foreign governments, and I know that also many of my colleagues at the State Department have.

A last word about training. We also have looked for new opportunities to educate U.S. officials about the problem so they too can contribute to the fight against trafficking. We have spoken to newly designated U.S. Ambassadors, to new classes of Foreign Service officers, law enforcement officers, and others as well as to senior Foreign Service officers who have been taking courses at the Foreign Service Institute.

In sum, we have been busy. We have made significant progress, but much remains to be done.

Mr. Chairman and colleagues, I want to thank you again for your leadership on this issue and the act. It has provided a solid framework for our efforts, impetus for increased coordination, and a model which we are able to use in reaching out to partners and partner countries.

I look forward to our continued partnership on this issue and to a day when we can truly say that we have successfully eradicated trafficking.

Thank you.

[The prepared statement of Under Secretary Dobriansky follows:]

PREPARED STATEMENT OF HON. PAULA DOBRIANSKY, UNDER SECRETARY OF STATE  
FOR GLOBAL AFFAIRS, DEPARTMENT OF STATE

“IMPLEMENTATION OF THE TRAFFICKING VICTIMS PROTECTION ACT”

It is a pleasure to be here today to review the progress we have made on monitoring and combating trafficking in persons, since the passage of the anti-trafficking law, the Trafficking Victims Protection Act of 2000.

Trafficking in persons is the new slavery of the 21st century. Both its magnitude and the inhumane conditions in which its victims find themselves are deeply troubling. The egregious nature of this crime has clearly been the driving force for many of you and for those of us who work on this issue.

The United States Government's efforts to fight trafficking and protect trafficking victims have been greatly enhanced by the Trafficking Victims Protection Act of 2000. I applaud your foresight in the creation of this law. It was enacted due to your tireless efforts and dedication.

This law has provided policymakers and prosecutors with the tools necessary to fight trafficking in persons, a truly grave human rights concern and a growing transnational crime problem. And it has given us a model to share with other countries that are also committed to ending the horrendous violation of human rights. Let me just highlight two mechanisms upfront. The report has been a crucial instru-

ment in fostering dialogue with other countries and heightening global awareness. Similarly, the interagency coordination on policy and programs—particularly the Task Force—has strengthened the USG's efforts as a whole.

Since the law's passage, I am pleased to report that we have released the first Trafficking in Persons Report, established the Trafficking Office and convened the first President's Interagency Task Force on Trafficking.

#### *Annual Report on Trafficking in Persons*

Last July, the Secretary of State released the first annual Trafficking in Persons report. The report was based upon information gathered from 186 embassies and consulates, as well as reporting from NGOs, international organizations, and the press, regarding the extent of trafficking and the efforts of governments to combat it. In compiling the report, the Department assessed the efforts of governments of those countries where it was determined that there were a significant number of victims of severe forms of trafficking—82 countries last year—to determine whether and to what degree such governments meet the minimum standards for the elimination of trafficking specified in the law.

As expected, the report has become an invaluable tool in our bilateral dialogues on trafficking. It has prompted many countries—at senior levels—to engage with the U.S. government on the trafficking issue. I have met personally with a number of senior representatives of countries who said that the report had motivated them to examine and improve their efforts. Significantly, several countries even asked for our advice and assistance in developing a plan of action to combat trafficking. Many of our posts are reporting a higher degree of interest, awareness, and, more importantly, action, since the release of the report. This increased interest is indicative of a larger positive trend as many more countries are beginning to take this issue seriously.

In addition to the trafficking report released last July, and in keeping with the provisions of the Trafficking Victims and Violence Protection Act, the Department released earlier this week the Annual Country Reports on Human Rights Practices included expanded information on trafficking. The Bureau of Democracy, Human Rights, and Labor worked with our embassies overseas and with other offices within the Department to include detailed information, including data on conditions for victims and efforts to provide them with protection and assistance.

We are now preparing the 2002 Trafficking in Persons report. In producing this next report, we have carefully considered suggestions received in our meetings with NGOs, members of Congress and their staff and the interagency working group. One key area that we are looking to strengthen is consideration of governmental corruption. Ambassador Ely-Raphel will provide some specific examples of the changes we are making in the substance and methodology of this year's Trafficking in Persons Report process in the next panel. This report is an important and evolving document.

#### *New Trafficking In Persons Office*

In October 2001, the State Department's Office to Monitor and Combat Trafficking was established. The office reports directly to me and coordinates policy and programmatic efforts with respect to trafficking in persons, ensuring that both the human rights and law enforcement components of this problem are adequately addressed. Ambassador Nancy Ely-Raphel is the Senior Advisor and Dr. Laura Lederer is the Deputy Senior Advisor of the Office. I am pleased to announce today that the Office will soon be fully staffed with 14 permanent positions and complemented with personnel from other agencies, specifically HHS, DOJ, CIA, and USAID. We already have an HHS officer on board, and expect officers from CIA, DOJ, and AID in the next month. The office will focus on three key areas: the compilation and release of the trafficking in persons report; assessment and implementation of programs; and outreach to partner agencies, Congress, and the non-governmental community. The office structure reflects these key priorities.

#### *President's Interagency Task Force to Monitor and Combat Trafficking in Persons*

As envisioned by the law, last month President Bush signed an Executive Order formally creating the President's Interagency Task Force to Monitor and Combat Trafficking in Persons, which is chaired by the Secretary of State. I would like to thank Senator Brownback and Mrs. Wellstone, as well as Rep. Smith, for joining the first meeting of the Task Force on February 13. At the meeting, led by Secretary Powell, six agencies were represented—Department of Justice, Department of Labor, Health and Human Services, the National Security Council, U.S. Agency for Development, and the Central Intelligence Agency—in most cases by their principals. Task Force members highlighted current and future initiatives and discussed the need to enhance interagency cooperation. In addition, Secretary Powell an-

nounced the formation of a Senior Policy Advisory Group to address policy issues related to trafficking in persons and to ensure the implementation of the Trafficking Victims Protection Act of 2000.

I convened the first meeting of the interagency Senior Policy Advisory Group this week. This group, a subgroup of the Democracy PCC, will meet regularly to provide policy oversight and coordinate policy and programs. The first meeting was very productive and provided an excellent opportunity for extensive exchange among the agencies in attendance. We identified next steps in a number of areas in which to increase cooperation, such as intelligence sharing, coordination with local and state actors, and strengthening the link between our diplomatic efforts and our law enforcement efforts domestically.

#### *Other Initiatives*

Let me say a few words about other initiatives that we are undertaking to strengthen our effort and broaden our information database.

*Programs:* In the last year, the State Department has supported approximately 100 global anti-trafficking programs or initiatives in over 40 countries. Of these countries, two were in Tier 1, 24 countries were in Tier 2, and seven countries were in Tier 3. There were several countries not included in the 2001 Trafficking in Persons report that received assistance. In these instances these countries were part of a regional initiative, were countries where we saw a potential for an increase in trafficking, or saw an opportunity to integrate trafficking concerns into other bilateral engagement on, for example, human rights issues such as protection of women from domestic violence, or alien smuggling. The Trafficking Office is designing a State-Department-wide international programs strategy to identify prevention, prosecution and protection needs in each country, and to assist governments, and non-governmental and international organizations, where appropriate, to address trafficking. We will tailor our programmatic initiatives to identify the opportunities for greatest improvement and the greatest needs. We will ensure that our programmatic and diplomatic strategy are complementary to ensure that we are holding governments accountable and encouraging strengthened political will, while providing program support where needed. Certainly, any strategy will include a review of the laws, law enforcement, victim protection, victim shelters/safe spaces, victim services, and repatriation and reintegration.

The Office requested from our embassies a comprehensive listing of proposals they believe would be effective in strengthening local efforts to combat trafficking. The response has been great. The Office is now reviewing anti-trafficking proposals from various embassies and will spearhead the interagency review and coordination process for these proposals.

*Public Outreach:* While the Act, our report, and other efforts have significantly raised awareness of the issue, we are committed to reaching out to the public to educate them about the issue and what the U.S. is doing. At every opportunity, I have raised trafficking in my meetings with foreign governments. Recently I have traveled to India, Ukraine and South Korea where I took the opportunity to raise trafficking at the highest levels. Amb. Ely-Raphel will outline the extent of the audiences we have been reaching.

#### *Training*

We are looking for new opportunities to educate U.S. officials about the problem so they too can contribute to the fight against trafficking. We have spoken to the newly-designated U.S. Ambassadors, new classes of foreign service officers, senior foreign service officers taking courses at the Foreign Service institute, law enforcement officers, and various other officials to educate them about the problem and look at ways that they—through their particular work—can fight this scourge.

#### *Closing*

In sum, we've been busy; we have made significant strides. But much remains to be done.

Mr. Chairman and colleagues, I want to thank you for your leadership on this issue and the Act, which has provided a solid framework for our efforts, an impetus for increased coordination, and a model as we reach out to our partner countries.

I look forward to continued partnership on this issue, and to a day when we can say that we have successfully eradicated trafficking. Until that day, we will continue to work in close partnership with you, our allies, the NGO community, and those committed to ending this unacceptable practice.

Thank you for this opportunity. I welcome your comments or questions.

Senator WELLSTONE. Thank you very much.

Mr. Dinh.

**STATEMENT OF VIET D. DINH, ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY, DEPARTMENT OF JUSTICE, WASHINGTON, DC**

Mr. DINH. Thank you very much, Mr. Chairman, Senator. With your permission, I will also only make a brief statement and submit my full statement for the record.

I am here to assure you that Attorney General Ashcroft—who, as you know, supported and voted under your leadership—for the Trafficking Victims Protection Act when he was a Senator—is as impatient as you are for its full implementation, and he has made it a high priority for the Department of Justice to implement its provisions.

I am particularly pleased that you have invited Ms. Hae Jung Cho of the Coalition to Abolish Slavery & Trafficking. I had the opportunity to meet Ms. Cho, along with the Attorney General, when we both traveled to Los Angeles in July of last year, when the Attorney General met with a young boy named Phanupong Khaisir, known as Got, a Thai boy who was used as a prop in an international human trafficking scheme. At that time, after that meeting, the Attorney General personally granted Got humanitarian parole and ordered the INS to accept his application for a T-visa non-immigrant status. The Attorney General's personal attention to the case reflects the high priority that he and the Department place on implementing the act.

I will refer specifically to the Department's activities in these two main areas: first, the prosecution of traffickers, and second, the protection of trafficking victims. Our efforts to combat human trafficking fall into three main categories: prosecution of traffickers, outreach, and coordination.

First, to improve the Department's prosecution effort, the Attorney General issued a guidance to all U.S. attorneys' offices concerning Federal prosecution under the act. The guidance details the important new law enforcement tools that you have given us under the act that remove past barriers to investigation and prosecution of trafficking or servitude activities. And this is not an empty promise or an empty guidance. The Criminal Section of the Civil Rights Division will add 12 new positions to its existing staff to prosecute human trafficking cases.

This early emphasis has already brought some concrete successes, and with your permission, I will highlight two cases brought just this past year.

In August of 2001, a Federal grand jury returned a 22-count indictment charging three defendants with violation of numerous Federal statutes, including involuntary servitude. Two others pled guilty to conspiracy and are awaiting sentencing. The defendants here allegedly held nearly 250 Vietnamese and Chinese workers in involuntary servitude for over 2 years in American Samoa, and thanks to the effort of you, thanks to the effort of Representative Chris Smith and others, the case was brought to our attention, and the prosecution is continuing apace. Approximately 180 of the victims remain in the United States and are helping law enforcement to prosecute this effort. Trial is scheduled for April of this year.

In March of 2001, a Berkeley, California multi-millionaire pled guilty to using beatings and threats to hold girls captive whom he had brought here from India to work in his real estate business. The victims were predominantly from families of lower castes and were allegedly subjected to sexual servitude while they were here. The defendant was sentenced to 97 months incarceration and was ordered to pay \$2 million in restitution to four of his victims.

Human trafficking cases are labor-intensive and time-consuming, often involving many victims and requiring the full-time involvement of multiple attorneys and investigators. Nevertheless, the Department has prosecuted 34 defendants in fiscal year 2001, four times as many as in the year before.

In addition, the Civil Rights Division has opened investigation into 64 allegations of trafficking in 2001. As of today, there are 92 investigations pending, which represents a 20 percent increase over the previous year.

Second, in addition to the Department's prosecutorial efforts, the Attorney General has also enhanced the Department's outreach efforts. He has created a community outreach program to work with local community groups, victims' rights organizations, immigrants rights' organizations, shelters, and other interested groups. This outreach effort is staffed full-time and has reached out to hundreds of organizations in the past year alone.

The Department continues to hold roundtables with non-governmental organizations and representatives of state and local law enforcement to ensure that we all work together to combat trafficking.

To assist this outreach effort, the Department of Justice and the Departments of Labor, Health and Human Services, and State have jointly developed two brochures in trafficking in persons. The first is designed for Federal law enforcement personnel to hand out to victims whom they encounter during the course of their investigation and their activities. The second, also produced in collaboration with the Departments of Labor, State, and Health and Human Services, provides information to NGOs about the services available at the governmental level to help them in their important work. All of these brochures will be distributed widely to ensure that they reach their intended audiences.

We also have coordinated, both on an intra-agency basis and on an interagency basis, as Under Secretary Dobriansky has highlighted. All of these efforts require coordinated team work and the Attorney General has ordered a number of training and coordination programs to ensure that our efforts are effective and humane.

But prosecuting traffickers is only half of the picture. Equally important are the Department's efforts to protect and assist the victims of trafficking. Mr. Chairman, as you noted, earlier this year the Attorney General issued the final interim T-visa regulations which went into effect on March 4 of this year. Comments are still continuing, but because of the significant need for the implementation of this act and for this visa, he issued the regulation on an interim basis so victims can get the T-visa status as of now.

Second, in July of last year, the Departments of Justice and State together issued regulations to implement section 107(c) of the act, which gives victims the ability to have continued presence here

in the United States while we prosecute the cases and while we investigate their complaints.

Third, under section 107(b), victims of severe forms of trafficking are eligible for many federally funded assistance programs, to the same extent as aliens admitted as refugees under section 207 of the INA, and we are working very closely on a daily basis, as a matter of fact, with our colleagues in the Office of Refugee Resettlement at HHS in order to implement this provision.

Finally, last but certainly not least, as you know, the CJS appropriations act for 2002 provides \$10 million to the Department of Justice for a grant program established under the act. The Attorney General may use these funds in order to develop, expand, and strengthen victim service programs for victims of trafficking through grant making programs. The Office of Victims of Crime, which is charged with managing this grant program, is currently working with an interagency task force to finalize the final proposals for this development.

In conclusion, I would only stress that we are as impatient as you are to see that the act is fully implemented and to take proactive steps to end this modern day form of slavery, as the Senator noted. Thank you very much.

[The prepared statement of Mr. Dinh follows:]

PREPARED STATEMENT OF VIET D. DINH, ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY, DEPARTMENT OF JUSTICE

#### INTRODUCTION

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present testimony concerning the implementation of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA). The Department of Justice is grateful to Congress for passing this vital piece of legislation. The VTVPA creates new tools that enhance the Department's ability to prosecute traffickers, and it allows us to assist trafficking victims in ways not possible before passage of the VTVPA in October 2000.

I am particularly pleased that Hae Jung Cho of the Coalition to Abolish Slavery & Trafficking (CAST) has been invited to testify as part of the Subcommittee's third panel of witnesses. As the Subcommittee is aware, CAST, a Los Angeles-based organization focusing exclusively on victims of trafficking, has received funding from the Department of Justice's Office for Victims of Crime (OVC) since 1999. I was fortunate to meet Ms. Cho when I traveled with Attorney General Ashcroft to Los Angeles in July where he met and granted humanitarian parole to Phanupong Khaisri, known as Got, a child who had arrived at Los Angeles International Airport as a prop in an international trafficking scheme.

The Department of Justice continues to fight the battle against trafficking in persons—a form of modern day slavery—that persistently victimizes helpless women and children. Victims are often lured with false promises of good jobs and better lives, and then forced to work under brutal and inhuman conditions. While many trafficking victims are forced to work in the sex industry, trafficking also takes place in labor settings involving domestic servitude, prison-like factories, and migrant agricultural work. Under the VTVPA, trafficking in persons includes the recruitment or transportation of persons through force, fraud or coercion. The VTVPA facilitates efforts on three fronts in the battle against trafficking in persons: providing protection and assistance to victims, prosecuting offenders, and preventing human trafficking by working with authorities in the victims' home countries. My remarks will focus on the areas in which the Department of Justice is most directly involved—the prosecution of traffickers and the protection and assistance of victims in the United States.

The fight against human trafficking—a top priority of the Justice Department—was the focus of one of the Attorney General's first publicly-announced policy initiatives after taking office. In March 2001, the Attorney General set forth new steps to address trafficking in persons, and in July 2001 and January 2002, he announced



publication of two regulations implementing portions of the VTVPA. The Attorney General noted:

*Human trafficking is a serious violation of the law. It 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. By setting high standards of conduct for federal officials in meeting the needs of these victims, we hope to be the victims' voice, to lessen the suffering, to prosecute those who commit these crimes to the fullest extent of the law.*

The Department has taken a number of important steps to implement the Attorney General's initiative. The Department continues to work steadily to stem the tide of this form of modern-day slavery, addressing the needs of victims, and sending a clear warning to traffickers that this barbaric action will not be tolerated.

#### ATTORNEY GENERAL'S PROGRAM TO COMBAT TRAFFICKING IN PERSONS

In March 2001, when the Attorney General declared that combating trafficking in persons was an important priority for the Department of Justice, he stated that additional resources would be allocated for prosecution, outreach, and coordination.

##### *Prosecutions of Traffickers*

To improve the Department's prosecution efforts, the Attorney General issued the first guidance to all U.S. Attorneys' offices concerning federal prosecution under the VTVPA. Among other things, the guidance document details the important new law enforcement tools available under the Act. For example, the guidance points out that under the VTVPA, those convicted of trafficking offenses may be imprisoned for up to 20 years and, in some instances, for life. This represents a significant increase over preexisting servitude statutes, which carried a maximum sentence of 10 years' imprisonment. Moreover, the guidance explains that the new statutes created by the Act are designed to address the subtle means of coercion that traffickers often use to bind their victims in servitude. Such means include psychological coercion, trickery, and the seizure of documents. Preexisting servitude statutes and case law made it difficult to prosecute such conduct, because they require a showing of physical force, threats of force, or threats of legal coercion. The new statutes permit federal prosecutors to address a wider range of activities that traffickers use to facilitate their criminal objectives.

The Department is bringing on new prosecutors to assist in anti-trafficking efforts. The Commerce-Justice-State Appropriations Act for FY 2002 appropriates funding for twelve new positions in the Civil Rights Division to prosecute trafficking in persons cases, seven prosecutors and five support staff. In most trafficking cases, prosecutors in the Civil Rights Division's Criminal Section serve as co-counsel with the 94 U.S. Attorneys' offices across America. The Criminal Section's attorneys have prosecuted servitude cases for many years.

The following descriptions are illustrative of some of the cases the Department has prosecuted during the last year alone:

- In December 2001, a federal jury in Maryland convicted Louisa Satia and Kevin Waton Nanji, of Silver Spring, Maryland, of holding a teenage Cameroonian girl in involuntary servitude and of illegally harboring her in their home to use her as their domestic servant. The defendants were convicted of involuntary servitude, conspiracy to harbor, and harboring the girl for their financial benefit. In addition, Satia was convicted of conspiracy to commit marriage fraud and conspiracy to commit passport fraud. Sentencing is scheduled for March 27, 2002.
- In August 2001, a federal grand jury returned a 22-count indictment charging three defendants with violations of numerous federal statutes, including involuntary servitude. Two others pleaded guilty to conspiracy and are awaiting sentencing. We allege that one of the defendants, Kil Soo Lee, held nearly 250 Vietnamese and Chinese workers (mostly young women) in involuntary servitude for over two years in the U.S. Territory of American Samoa, using them as forced labor in his garment factory. He reportedly maintained a captive and cheap labor force through various coercive means, including assaults, beatings, extreme food deprivation, creation of company store indebtedness, denial of other work opportunities, threats of deportation with severe economic consequences including bankruptcy, confiscation of passports, and false arrest. Lee and his subordinates are alleged to have held the victims in a guarded compound containing a factory, living barracks, and a cafeteria. Approximately 180

of the victims remain in the United States and are helping law enforcement. Trial is scheduled for April 2002 (*United States v. Kil Soo Lee*)

- In August 2001, a federal grand jury in El Paso, Texas returned a six-count indictment charging two defendants with recruiting women from Uzbekistan into the United States under false pretenses, then forcing them to work in strip clubs and bars in order to pay back an alleged \$300,000 smuggling fee. We allege that the victims' passports were taken away, that they were required to work seven days a week, and that they were told that their families in Uzbekistan would be harmed if they did not comply with the defendants' demands. (*United States v. Gasanov*)
- In August, May, and March 2001, three defendants pleaded guilty to rounding up and enslaving homeless and drug-addicted African-American men in Fort Pierce, Florida, and forcing them to pick oranges against their will by using crack-cocaine, threats and violence. The two primary defendants were subsequently sentenced to prison terms of 55 and 48 months. (*United States v. Lee*)
- In June 2001, three men pleaded guilty in federal district court to bringing two sixteen-year-old Russian girls to Anchorage, Alaska to dance nude in a strip club. The two main defendants were sentenced in August and September to 46 and 30 months incarceration. (*United States v. Virchenko*)
- In March 2001, a Berkeley, California multimillionaire pleaded guilty to using beatings and threats to hold girls captive whom he had brought into the United States from India to work in his real estate business. The victims were predominantly from families of "lower" castes and were brought here by way of fraudulent employment offers or sham marriages. The defendant was sentenced to 97 months incarceration and was ordered to pay \$2 million in restitution to four of his victims. (*United States v. Reddy*)

As the facts of these cases suggest, human trafficking cases are labor-intensive and time-consuming matters, often involving many victims and requiring the full-time involvement of multiple attorneys and investigators. Nevertheless, the Department of Justice prosecuted 34 defendants in FY 2001, four times as many as in the year before. In addition, the Civil Rights Division opened investigations in 64 allegations of trafficking in FY 2001. As of today, there were 92 investigations pending, which represents a 20 percent increase in the number of pending investigations we had a year earlier and a three-fold increase since establishing our Trafficking in Persons and Worker Exploitation Task Force toll-free hotline in February 2000. Since the new statute was only recently passed and its criminal law provisions do not apply retroactively, only three of the Department's recent indictments included charges under the new criminal statutes. Many of our 92 investigations currently underway include allegations that may lead to indictments under the VTVPA, however.

#### *Outreach*

To enhance the Department's outreach efforts, the Attorney General announced in March of 2001 that there would be permanent funding of our Trafficking in Persons and Worker Exploitation Task Force toll-free hotline (1-888-428-7581). He also announced the creation of a community outreach program to work with local community groups, victims' rights organizations, immigrants' rights organizations, shelters, and other interested groups.

The Department plans to continue or initiate several outreach activities during 2002.

First, various components in the Department will release interagency trafficking in persons brochures. The Department has developed two brochures on trafficking in persons: The first brochure is designed for federal law enforcement personnel to hand out to trafficking victims they encounter during the course of their investigations and prosecutions. The Executive Office for United States Attorneys, the FBI, and INS will send the brochure to their agents and victim specialists in the field. Based on research about trafficking victims found in this country, this brochure is designed to provide information to victims about their rights and available services and to give them specific contact information for the Department of Justice or Department of State law enforcement agency working with them. We anticipate translating the brochure into Spanish, Chinese, Vietnamese, Thai, and Russian. These five languages are among the most common languages spoken by trafficking victims in the United States.

The second brochure is being published by the Department of Justice in collaboration with the Departments of Labor, State, and Health and Human Services (HHS). It is designed to provide information about federal activities on human trafficking for non-governmental organizations (NGOs) that are likely to encounter trafficking

victims. The Civil Rights Division plans to send this brochure to the 1,500 organizations and service providers in its trafficking database; post the brochure on the Trafficking in Persons and Worker Exploitation Task Force website (other components within Justice will post it on their websites as well); provide the brochures to the Office of Special Counsel for Immigration-Related Unfair Employment Practices grantees (including faith- and community-based organizations), which conduct public education programs for workers, employers, and immigration service providers about immigration-related job discrimination; and use the brochure in outreach presentations before appropriate audiences. The Department's Violence Against Women Office (VAWO) plans to send the brochure for NGOs to the National Domestic Violence Hotline, the National Resource Center on Domestic Violence (which collaborates with 1,800 shelters nationwide), STOP Violence Against Women Formula Grant Program state administrators, and state and tribal domestic violence and sexual assault coalitions.

Second, the Department will continue to hold roundtables with NGOs and law enforcement groups. In January 2002, the Department held a roundtable meeting with approximately 35 NGOs to discuss the main features of the T nonimmigrant status regulation, and to inform them that the T nonimmigrant visa was available for victims of severe forms of trafficking. The Department intends to hold future meetings with the NGOs, perhaps in smaller groups, to provide an overview of the Department's efforts to combat and monitor trafficking in persons. The Department is also planning to meet with national and local law enforcement groups to present the trafficking brochures, and to discuss collaborations between the Department of Justice and national and local law enforcement groups to combat trafficking.

Third, the Department plans to continue and expand its public presentations on trafficking with a wide range of audiences, including the annual meetings of law enforcement groups, victim service organizations, immigrant and refugee advocacy groups, public health professionals, and others. This work frequently involves participating in community-level meetings in places around the country. The Department is also providing information on the Department's anti-trafficking efforts to such groups for dissemination to their networks through newsletters and other publications. Two specific areas of Department activity in this area are as follows:

- First, the Department continues to provide training and assistance to VAWO grantees. The technical assistance providers for each of the VAWO grant programs conduct several "technical assistance institutes" annually; these institutes provide VAWO grantees and subgrantees with an opportunity to receive training and support. Throughout FY 2002, VAWO plans to use these institutes as a vehicle to provide information to its grantees about the new federal trafficking law and about resources for victims.
- Second, through the Child Exploitation and Obscenity Section of the Criminal Division (CEOS), the Department will collaborate with police departments and federal law enforcement to provide training on the trafficking of American youth for exploitation. For instance, CEOS will offer programs through the Dallas Children's Advocacy Center and Police Department's annual program and the Children's National Advocacy Center program in Huntsville, Alabama.

#### *Coordination*

The Attorney General stated as a third component in his March 2001 announcement that the Department would increase coordination among its offices in order to investigate and prosecute human trafficking cases more effectively. He directed both the FBI and the INS to work with the Civil Rights Division to explore ways to identify victims of trafficking and to refer these cases to the Division for prosecution. The FBI and INS play critical leadership roles in identifying victims and investigating these crimes.

The Department has begun, and will continue, to implement the Attorney General's mandate for increased coordination by training federal prosecutors and law enforcement. The Department's continuing training activities include: training federal prosecutors and agents at the Justice Department's National Advocacy Center (NAC) in South Carolina; training FBI agents and civil rights supervisors at the FBI facility at Quantico; training federal victim-witness coordinators at the NAC; and training through the Justice Television Network (JTN), a satellite television network broadcast to U.S. Attorney's offices and other components of the Department of Justice. The Department is planning another training course for federal prosecutors and agents in October 2002.

The Department has also begun, and will continue, training INS personnel regarding trafficking issues. In January 2002, the INS conducted training at its Vermont Service Center on the adjudication of T nonimmigrant status applications. The program included substantive education about the dynamics of trafficking, iden-

tifying trafficking, and the statutory and regulatory eligibility for T status. INS has also produced a training video entitled "Stopping Traffick," which began airing on INS TV this week, and which is being distributed for viewing in all INS Districts and Sectors. INS will also train new Border Patrol agents, district counsels, new attorneys and advanced attorneys, and asylum officers. INS's Office of International Affairs is also creating a training film on "Trafficking of Women and Children" in coordination with the INS Training Academy. INS through its Internet website (<http://www.ins.usdoj.gov/graphics/lawenfor/interiorenf/antitraf.htm>) provides employees and the public with information, forms, and procedural guidance related to the provisions of the VTVPA.

In addition to these intra-agency efforts, the Department is also actively pursuing inter-agency coordination on two fronts.

First, the Department of Justice has worked with the Department of State to finalize the creation of an intelligence-sharing center: the Migrant Smuggling and Trafficking in Persons Coordination Center, which will be in the Justice Department's Civil Rights Division, will work with the State Department, Central Intelligence Agency, the National Security Agency, the Coast Guard, the INS, the FBI, and others to share intelligence information about trafficking in persons and alien smuggling activity.

Second, the Department of Justice will continue its leadership and participation in the Trafficking in Persons and Worker Exploitation Task Force. This interagency group helps coordinate the investigation, prosecution, and protection of victims of trafficking and other exploitive work practices. The Task Force is co-chaired by the Assistant Attorney General for Civil Rights and the Solicitor of Labor. Other participating Department of Justice components include the Criminal Division, the FBI, the INS, the Executive Office for U.S. Attorneys, the Office of Legal Policy, the Office for Victims of Crime, and the Violence Against Women Office. Participating Department of Labor components include the Office of the Solicitor, the Wage and Hour Division, and the Women's Bureau. Other federal partners include the U.S. Departments of State, Agriculture, and Health and Human Services; the Equal Employment Opportunity Commission; and the National Labor Relations Board. In addition, the Task Force has created fifteen regional task forces, each of which has points of contacts from local offices of federal agencies. In 2002, the Department will devote particular attention to strengthening the regional task forces.

#### PROTECTION AND ASSISTANCE TO VICTIMS OF TRAFFICKING

##### *Issuance of the T Nonimmigrant Status Regulation*

Section 107(e) of the VTVPA created a new nonimmigrant status (so-called "T" visas) for eligible victims of severe forms of trafficking. The Attorney General has signed an interim T non-immigrant status regulation, which became effective as of March 4, 2002. The interim final regulation addresses the essential elements that must be demonstrated for classification as a T nonimmigrant alien, the procedures for applicants to follow in applying for nonimmigrant status, and evidentiary guidance to assist in the application process. Five thousand T status classifications will be available annually to principals. See 67 Fed. Reg. 4783 (January 31, 2002).

##### *Issuance of the 107(c) Regulation*

In July 2001, the Departments of Justice and State issued a regulation implementing section 107(c) of the VTVPA, which provides authority for the INS to arrange for "continued presence" to allow victims of trafficking to remain in the United States while law enforcement is investigating or prosecuting trafficking crimes. This regulation also requires Justice and State to identify and appropriately address the particular needs of victims of severe forms of trafficking and to provide access to information about their rights and translation services.

Specifically, the 107(c) regulation requires federal law enforcement personnel, immigration officials, and Department of State officials to: (1) identify victims of severe forms of human trafficking; (2) protect victims in custody; (3) provide victims with access to information and translation services; (4) establish legal mechanisms for allowing victims of severe forms of trafficking in persons, who are potential witnesses, continued presence and reasonable protection in the United States; and (5) develop appropriate training for Department of Justice and State personnel investigating and prosecuting these cases.

*Identifying Victims.* Federal officials must identify victims of severe forms of trafficking in persons. The regulation helps clarify the roles and responsibilities of federal officials in identifying victims of severe forms of trafficking in persons as early as possible in the investigation and prosecution process, to ensure efforts are made to see that such victims are accorded the rights described in 42

U.S.C. § 10606, and to provide the protections and services required under 42 U.S.C. § 10607 and under the VTVPA.

*Protection.* Victims of severe forms of trafficking who are in custody must be protected. The regulation establishes procedures for appropriate federal employees to ensure, to the extent practicable, that victims of severe forms of trafficking in persons are housed in a manner appropriate to their status as crime victims, afforded proper medical care and other assistance, and protected while in federal custody.

*Access to Information.* Trafficking victims must be informed of their rights, provided information about pro bono and low-cost legal services, and accorded reasonable access to translation services if they are unable to communicate in English. In order to help meet these obligations, the Department and other federal agencies have created, and plan to distribute, the brochures that I have previously described for NGOs and victims.

*Continued Presence.* The regulation clarifies the procedures for federal law enforcement officials to request that certain victims of severe forms of trafficking in persons, who are aliens and potential witnesses to such trafficking, be permitted to have continued presence in the United States in order to effectuate the investigation and prosecution of those responsible. It also establishes procedures to protect victims' safety, including taking measures to protect victims of severe forms of trafficking in persons and their family members from intimidation, reprisals, and threats of reprisals by traffickers and their associates. The INS may use a variety of immigration mechanisms to ensure the alien's continued presence in the United States. The specific mechanism used will depend on the alien's current status under the immigration laws and other relevant facts. These mechanisms may include parole, voluntary departure, stay of final order, section 107(c)(3)-based deferred action, or any other authorized form of continued presence, including applicable nonimmigrant visas. In most circumstances, victims granted continued presence will be eligible for temporary employment authorization. As of February 28, 2002, the INS had received, processed, and was tracking 216 requests for continued presence (of which 184 are in connection with the case in American Samoa, mentioned earlier). To date, none of the requests for continued presence has been denied.

*Training.* The regulation provides guidance about training of appropriate Justice and State Department personnel in identifying victims of severe forms of trafficking in persons, in understanding the particular needs common to victims of severe forms of trafficking in persons, and in providing for the protection of such victims. In addition to general training of internal federal prosecutors, agents, and INS personnel, which have already been described, the Department continues to conduct extensive training activities on various components' responsibilities under the 107(e) regulation. The Department plans to develop training modules to highlight the relationship between trafficking in persons cases and other types of criminal prosecutions, such as organized crime, money laundering and other topics, as appropriate.

#### *HHS Certification*

Victims of severe trafficking in persons may be eligible for a number of benefits and services, regardless of immigration status. Under Section 107(b) of the VTVPA, alien victims of severe forms of trafficking are eligible for many federally-funded assistance programs to the same extent as aliens admitted to the United States as refugees under § 207 of the Immigration and Nationality Act. To be eligible to receive this assistance, adult victims of severe forms of trafficking must have been certified by HHS after consultation with the Department of Justice. HHS will testify about the implementation of 107(b) at today's hearing; however, I can report that the Department of Justice and HHS have worked very closely together since the enactment of the VTVPA. We remain in frequent communication and coordination about how best to implement the VTVPA and how to assist victims in trafficking.

#### *Federal Grants*

The Commerce-Justice-State Appropriations Act for FY 2002 appropriated \$10 million to the Department to fund a grant program established by the VTVPA. The VTVPA provides that the Attorney General may use these funds to make grants to states, Indian tribes, units of local government, and nonprofit, non-governmental victims' service organizations to develop, expand, or strengthen victim service programs for victims of trafficking. The Office for Victims of Crime, which is charged with managing this program, is currently working with an interagency task force to finalize its development.

## CONCLUSION

Since passage of the VTVPA, the urgent need for these measures has only become more apparent. The Department of Justice continues to encounter many human trafficking victims who need assistance and protection. We commend Congress for passing this legislation and assure the Subcommittee that we are working—and will continue to work—diligently to implement the VTVPA and to help bring a measure of comfort, justice, and dignity to trafficking victims in the United States by combating this modern form of oppression.

Mr. Chairman, that completes my prepared statement. I would be pleased to respond to your questions at this time.

Senator WELLSTONE. Let me thank both of you for your excellent testimony. I think Senator Brownback and I will each try to limit ourselves to 10 minutes for questions.

Let me start with Under Secretary Dobriansky. How high on the agenda is trafficking for the Department of State? Let me kind of operationalize that. In your diplomatic efforts, with whom are you raising this issue? When President Bush meets with President Putin for a summit in May, will he raise the issue of trafficking? Who have you met with specifically to raise this issue?

Ms. DOBRIANSKY. First, I will begin with this important point—the fact that as an Under Secretary of State for Global Affairs, as I indicated, the office reports directly to me. I have personally raised this issue. In fact, I was abroad just recently in Ukraine, in South Korea, and in India. I had meetings at, in a couple of cases, the head of state level and at other levels. This was an issue that, in fact, was raised and discussed.

Our Deputy Secretary has been very vigorous, very engaged in these trafficking-in-person issues, very helpful I think in a number of diplomatic exchanges and also in terms of our interagency coordination.

Then finally, I would say a word about the Presidential level. Recently, the President, as you know, was in Asia. I am not aware and I cannot say that it was addressed in all of the countries, but I do know that there was some discussion actually in one of the countries, but actually for positive reasons because of some positive movement.

Senator WELLSTONE. I think when some of the countries have made the improvements, that is certainly part of what we are asking for. It is high profile. That is important. And I would hope that the President, when it is not so positive, would also challenge governments and make it clear that this is very high on our list of priorities.

What has the State Department done in domestic worker trafficking or abuse cases involving foreign officials of international organizations or diplomats in the United States or, for that matter, American diplomats abroad? As you know, we have had some sticky situations, and I am wondering what the State Department—

Ms. DOBRIANSKY. You are referring to, you said, domestic situations. Is that correct?

Senator WELLSTONE. Yes. You have got a diplomat over here in Washington who has a young woman working for a family who is basically in slave labor conditions. What are we doing about that?

Ms. DOBRIANSKY. Well, to my knowledge, first, it goes back to the question about diplomatic approaches, when there are cases that

are here in the United States, we do make representations certainly to the respective embassies and also certainly inform our posts overseas about the scale or scope of any cases. In addition, I believe there is also collaboration with the Department of Justice because it also would have prospective domestic legal implications. Those are the kinds of things that we have been doing.

Senator WELLSTONE. But do we do anything beyond representations? Any kind of action taken that makes it clear it is unacceptable?

Ms. DOBRIANSKY. Absolutely. I would say it is also addressed in a broader context. If you look at this issue, we try to take it on more strategically. When we sit down with other countries—and, if I may say, using the report as a peg—that does not only mean at the time the report was issued—but subsequently when we have bilateral exchanges with countries—specific cases, specific examples are shared.

Senator WELLSTONE. Mr. Dinh, I was talking earlier about the concern I have just based upon what I have heard or what we have heard all together with staff around the country. And I am now focusing on sort of the trafficking in our own country. By the way, this is a question I will ask later of the Office of Trafficking. We need to collect the data. I have heard so many different reports on exactly how many women, girls—sometimes I guess men or boys—we are dealing with. I think we need to have a clear picture of the magnitude of the problem.

But one of the concerns I have is just in the states law enforcement is not necessarily trained, so they do not really recognize this when it is before them. Does the Department of Justice have any plans to ensure a greater amount of coordination among the assistant U.S. attorneys around the country and here with you all in Washington?

Mr. DINH. Yes, sir, and if I may highlight the coordination and training efforts about which you are interested and also highlight some of the things that we are doing in order to further that effort.

In October 2000, immediately after the passage of the act, the Department of Justice hosted a training program for interagency personnel, including personnel from the Departments of Labor, State, and HHS, on the impact of the act on the investigation and prosecution of these cases and also on the assistance of victims. We followed up again last year with training of INS and FBI personnel on identifying victims and processing them in a humane and cooperative way through the process to assist the prosecution.

In March of last year, almost immediately upon taking office, the Attorney General announced his initiative to combat trafficking. As part of that initiative, he directed our Intergovernmental Affairs Office, our U.S. attorneys, our FBI, and INS to work with the Civil Rights Division in a cooperative manner and also to work with our state and local partners, the 28,000 state and local police agencies, who really come in contact at a very first level with these activities.

We will continue these efforts both in training and in identification. We have worked with the Department of State to finalize an interagency intelligence center, which will be supervised by the Civil Rights Division, in order to get more intelligence, more information sharing on this matter.

One of the things that we have encountered is the fact that these crimes operate in darkness. The perpetrators hide in the shadows. The victims suffer in silence and helplessness, so we have to have a very well-coordinated effort to work together with our state and local partners and the service agencies and NGOs to identify victims, to put them into the loop so that we can help them.

Senator WELLSTONE. Let me make a quick comment and put the final two questions in one question to you. That way we can move it right to Senator Brownback and we will move things along.

I again want to emphasize what I said at the beginning. I appreciate your comment. I am under the very distinct impression—and I think Senator Brownback had the sort of mood piece of this hearing. I think he hit it the right way, which is to give a lot of credit. It is only a year and people are moving forward. But I am impatient and I think we can do better, and that is fine. I think we all agree. I am under the impression we have a fine INS Commissioner, who was our Sergeant at Arms.

I do think there has to be more training because I do think that you have got some of these women or some of these girls in these detention centers, and I do not think we are in there interviewing them and understanding why they are there or what they have been through. We need to do a better job of that. So, I would just emphasize that and push very hard, and I think you all could play a critical role.

Let me put two cases together and just get your response. If the INS has determined a victim will suffer unusual or severe harm upon return to the country of origin, but then determines that the victim has not complied with the requests of law enforcement, will the victim be deported even though it is certain that she—usually we are talking about she—will suffer harm? And are there efforts made to protect these women or girls if they are deported? That is the first question. I will have a followup real quickly.

Mr. DINH. The requirements of the T-visa are specified under section 107 of the act and they include both extreme hardship and reasonable cooperation with law enforcement requests. So, each one of these is a statutory requirement that we, in implementing the non-immigrant status, have to comply with.

With respect to your specific question—

Senator WELLSTONE. My question is based on that—

Mr. DINH. Exactly, exactly. With respect to the specific question on whether extreme hardship is met—your asking what else we can do to ensure that this person is not returned to a country where they would suffer hardship—first I would note that the cooperation standard under the T-visa is only one of compliance with reasonable requests of law agencies. This standard can be met in a number of ways: by a copy of the complaint, by an endorsement of the law enforcement agency, by a transcript, by any other evidence. And it is only a preponderance of the evidence standard, so it is not the very high standard imposed in a normal criminal prosecution. So, I would hope that the INS, in issuing the T-visas—and indeed, the personnel have been trained in this regard—would be sympathetic toward the granting of these visas for these victims.

But if there were a case when the extreme hardship requirement is met and yet one or the other of the statutory requirements are



not met, then the person would not be eligible for a T-visa. That does not mean that he or she is not eligible for continued presence under 107(c) or for humanitarian parole that the Attorney General can grant upon his personal discretion such as he granted to Phanupong Khaisri, or Got.

Senator WELLSTONE. I am not a lawyer, but what you are saying to me—I mean, we worked with you on the definition of cooperation. I think we reached a good compromise. But what you are saying is even given that definition, you have a situation where she has not cooperated, that the Attorney General can still provide, if you will, amnesty or whatever. Right?

Mr. DINH. Yes. Humanitarian parole, yes, sir.

Senator WELLSTONE. If in fact it is clear that if she now is deported back to the country of origin, she could be in harm's way.

Mr. DINH. Yes. It is a discretionary grant by the Attorney General.

But let me stress that noncooperation can always be remedied by continued cooperation or future cooperation. That is certainly our hope, working with the victim hand in glove, because I think victims and investigators here are part of the same team.

Senator WELLSTONE. I am going to hand it to Senator Brownback. I am going to have a written question on the Samoa case that you talked about. OK?

Mr. DINH. That is a case near and dear to my heart.

Senator WELLSTONE. Yes, I have a number of other written questions too.

Senator Brownback.

Senator BROWNBACK. Thanks, Mr. Chairman.

Congratulations on the work that you are doing. I am glad to hear about all of this.

Dr. Dobriansky, on the advocacy work that you are doing—and thank you for raising this in so many various places, and the countries you cited are certainly some key ones to raise these issues. I have been to a couple of those myself and raised the issue, and each time that is raised, I think it drives further home, OK, the United States is serious about this. My experience on human rights issues and issues like this is unless the U.S. raises it, it just does not get raised. So, I really appreciate your doing that.

One group that I talked with was in Thailand and some of the regional countries there talking about a regional conference and working together to combat. Are you working with them, and what is your sense of that one? Or are there other regions that are working together to try to combat the issue of sex trafficking?

Ms. DOBRIANSKY. The regional approach is one which is very much welcome because, as you well know, this is a transborder issue. It does not affect just one country or a group of countries. It is a global problem. Certainly in a number of regions, it is very much interwoven and interconnected.

The regional approach in this case, also in Africa, has been invaluable. In fact, let me share some developments with you. In December of last year, our Ambassador in Nigeria initiated a conference, which included a number of the countries surrounding Nigeria and which have been affected by trafficking flows. They worked toward the goal of trying to think about how they could col-

laborate regionally through preventive action and prosecutions because of trafficking flows going from one location to another. The sharing of information in that regard, and then also the protection of victims was featured. This, I think, has significant potential and is really a kind of strategy that we should be pursuing more vigorously and not just in only this region mentioned.

Senator BROWNBACK. Good, because it seems to me the most likelihood of us being able to have a basis of success where you get, as I understand, the information, both the sending and the recipient countries working together and each doing what they can to try to stop this flow of people moving back and forth.

Mr. Dinh, we will hear a witness on the third panel about international sex tourism. There are some laws on the books already about this, but it involves, as I understand, you have to establish an intention in the person's mind once they buy the ticket before they leave the country to do this. And that makes those cases pretty difficult to prosecute. Have you had any review of cases like this or any dealings with cases like that?

Mr. DINH. Yes, sir. When this problem was brought to our attention, I asked the Child Exploitation and Obscenity Section to explain the problem to me in light of the prosecution of these cases and difficulties they encounter. And the problem is exactly as you stated. That is, a person has to have formed the intent to engage in sex with a minor abroad before he leaves the country in order to qualify for prosecution under current law. And, indeed, even if a person has formed such an intent, you can imagine the prosecutorial and investigative problems we encounter in establishing the formation of such intent prior to getting on the plane and leaving this country. Having sex with a minor while abroad alone is not enough under current law. One has to have formed the intent prior to one leaving the country, and that is the evidentiary problem that we have under current law.

Senator BROWNBACK. Well, we want to work with you to make changes in the current law so that those cases can be prosecuted because one of the things that the Thai officials raised with me was saying, we are getting people traveling in here from out of country and conducting and doing really awful activities. We want to stop the trafficking, but we want to stop this person from coming in and doing these sorts of activities. And I thought, well, that is a legitimate request on their part toward us.

Have you had any conversations like that with other officials? Or maybe I should ask Dr. Dobriansky as well if you have.

Mr. DINH. I certainly have asked our folks to suggest ways that we can think about, with your leadership, as you suggested, curing this problem. One way to think about the problem is to make the simple act of sex with a minor abroad without the prior intent sufficient to prosecute under the Federal law. That would require a legislative fix. Likewise, those who facilitate such actions by the operating of tours for those purposes should be held liable so that we can get at the root cause of these, the operators of these tours. But we would welcome your leadership on the issue, and I look forward to working with you for the legislative fixes we need.

Senator BROWNBACK. Have you had this raised with you?

Ms. DOBRIANSKY. I would just say that our discussions have varied. There have been some countries that have been more forthcoming on information and there have been others that have not. It depends upon who you are speaking to and the context. But I have to say that on several occasions this issue has been raised.

Senator BROWNBACK. Good. Thank you both. Really, please express our appreciation to your Departments for really grabbing a hold of this aggressively, early, quickly and pressing it. We want to work with you to get more done fast. When you look in the eyes of the children that you are helping, it is a very gratifying thing, what you are doing. It is an awful thing that is happening to them, and for us to get what, I think the chairman has once referred to, as this part of the dark side of the globalizing economy, getting at that is an important thing for us and humanity to be dealing with. So, thanks for what you are doing.

Senator WELLSTONE. Thank you, both of you. We appreciate your leadership.

Mr. DINH. Thank you.

Ms. DOBRIANSKY. Thank you.

Senator WELLSTONE. We are just going to try to move right along. The second panel will be Ambassador Ely-Raphel. Ambassador Ely-Raphel is the new Senior Advisor to the Secretary on trafficking issues and the Director of what I will call the Office of Trafficking. And Dr. Van Hanh is the new Director of the Office of Refugee Resettlement.

Ambassador Ely-Raphel.

**STATEMENT OF AMB. NANCY H. ELY-RAPHEL, SENIOR ADVISOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE, WASHINGTON, DC**

Ms. ELY-RAPHEL. Thank you, Mr. Chairman. With your permission, I would like to present my full testimony for the record and thus abbreviate my statement.

Senator WELLSTONE. It will be in the record.

Ms. ELY-RAPHEL. Thank you.

It is an honor for me to appear before the Senate for the first time in my capacity as the head of the Office to Monitor and Combat Trafficking in Persons.

Trafficking in persons is a criminal commerce in human lives in which individuals are nothing more than commodities to be exploited for profit. It is a contemporary form of enslavement through physical, economic, or psychological bondage by those who dishonor and corrupt every value and ideal American society represents. It is a problem that cries out for redress.

The 2001 Trafficking in Persons report has proven to be an invaluable tool in raising the profile of trafficking throughout the world and spurring governments to take action. The stigma attached and the threat of sanctions is a strong motivator.

The annual trafficking report is a work in progress. Over the last several months, we have solicited feedback from NGOs, congressional officials and staff, and relevant government agencies. Based on this response, we launched an e-mail address to enable NGOs and international organizations to send trafficking information di-

rectly to the office. This change, we believe, will allow more direct engagement by the NGOs, as well as enhance transparency.

In addition, our embassies and consulates are providing more detailed information. We have added data-specific questions on the number of arrests, indictments, plea bargains, fines, and convictions of traffickers.

During fiscal year 2001, the State Department supported and implemented over 100 trafficking-related programs and initiatives in approximately 40 countries. This year we will focus on assisting eligible countries in tiers 2 and 3. We will continue to expand our assistance to local NGOs and international organizations. In addition, we will seek to expand our government-to-government programs for those governments that are committed to address trafficking. These types of programs included legislative assistance, training programs for government officials to investigate and prosecute traffickers, and startup equipment for anti-trafficking task forces or police units. We are encouraging our embassies to solicit financial or in-kind support from the host governments for programs implemented by NGOs. We hope this approach will help to ensure sustainability of the NGO programs, as well as facilitate government-NGO cooperation.

Next week my office will meet with relevant State Department bureaus, AID, and the Department of Labor to begin reviewing the many good proposals we received for possible funding.

As Under Secretary Dobriansky noted, we have raised trafficking at every opportunity with foreign governments, domestic audiences, and within our own government. Last week I attended the Regional Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crimes in Indonesia. I was struck by the high level of commitment in that region to combat trafficking in persons and organized crime. There was much candid discussion about the need to improve their efforts to address trafficking in persons.

Over the last year, members of our new office have traveled to Japan, West Africa, Belgium, Brazil, Mexico, Germany, and Jamaica to speak on trafficking panels at international conferences and to share information with various foreign government officials and non-governmental representatives. They also traveled to different states, ranging from Alaska to Vermont, to enhance domestic public awareness of the trafficking issues or participate in training courses and conferences for U.S. Government officials.

The U.S. Government and Congress' enactment of the Victims of Trafficking and Violence Protection Act of 2000 put the spotlight on this violation of fundamental human rights. As a result of our leadership, in many cases governments are taking action, and we will work very, very hard to ensure success in our program.

I thank you very much for the opportunity to share our efforts and progress and look forward to continued collaboration with you. [The prepared statement of Ambassador Ely-Raphel follows:]

PREPARED STATEMENT OF AMB. NANCY H. ELY-RAPHEL, SENIOR ADVISOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE

It is an honor for me to appear before the Senate for the first time in my capacity as the head of the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State. We are all here today to talk about trafficking in persons,

which is the modern-day form of slavery that plagues our societies in the new millennium.

As Under Secretary Dobriansky indicated in the previous panel, the Department of State is actively implementing the provisions of the Victims of Trafficking and Violence Protection Act of 2000. I would like to take this opportunity to provide details about what the Trafficking Office is doing at the working level with respect to the Trafficking in Persons Report, international programs and outreach.

#### TRAFFICKING IN PERSONS REPORT

The 2001 Trafficking in Persons Report has proven to be an invaluable tool in raising the profile of trafficking throughout the world and spurring countries to take action. The stigma attached—and the threat of sanctions—is a strong motivator. Government representatives from Tier 3 countries such as South Korea, Israel and Romania, met with us on several occasions for guidance on actions they could take to improve their record.

The Annual Trafficking in Persons Report is a work in progress. Over the last several months, we solicited feedback from non-governmental organizations, congressional officials and their staff, and relevant U.S. government agencies on how we can improve this Report.

Based on this feedback we launched an e-mail address to allow non-governmental and international organizations to send trafficking information directly to the Office. This change we believe will allow more direct engagement by the non-governmental organizations as well as enhance transparency. The response has been very positive. Already, we are getting information from various NGOs around the world.

In addition, our embassies and consulates around the world are providing more detailed information for the 2002 Report regarding corruption and the political will of governments to combat trafficking. We also added data-specific questions on the number of arrests, indictments, plea bargains, fines, and convictions of traffickers. This is in direct response to a concern raised by many of our colleagues in the non-governmental arena, who noted that a country's commitment can certainly be measured through their commitment to stamping out corruption. As of this week, over half of our embassies have submitted their information for the second annual Trafficking in Persons Report.

I will use this report as a mechanism to expand our bilateral dialogues with other countries. It is only through this dialogue that we can educate countries, identify their shortcomings, and assist them in strengthening their efforts.

Finally, I would also like to note that the Annual Country Reports on Human Rights Practices, which the Department issued this past Monday, contained detailed information about the problem of trafficking, which was compiled by the Bureau of Democracy, Human Rights, and Labor and our many embassies overseas. Members of my office worked collaboratively with the Bureau of Democracy, Human Rights, and Labor on these reports, which contain detailed information on a variety of subjects related to trafficking, including conditions for victims and efforts by Governments and non-governmental organizations to combat trafficking.

#### INTERNATIONAL PROGRAMS

During fiscal year 2001, the State Department supported and implemented over 100 trafficking-related programs and initiatives in approximately 40 countries. The estimated value of the State Department programs is \$11.5 million. The types of programs funded included information campaigns, international visitor programs, law enforcement training programs, equipment for new anti-trafficking police units, equipment for forensic interview rooms for child victims, equipment for new crisis centers, and repatriation and reintegration programs.

This year we will focus on assisting eligible countries in Tiers 2 and 3 to address trafficking in persons. We will continue to expand our assistance to local non-governmental and international organizations for services to victims and for trafficking prevention. In addition, we will seek to expand our government-to-government programs for those governments that are committed to address trafficking. These types of programs include legislative assistance, training programs for government officials to investigate and prosecute traffickers, and start-up equipment for anti-trafficking taskforces or police units. We are encouraging our embassies to solicit financial or in-kind support from the host governments for programs implemented by nongovernmental organizations. We hope this approach will help to ensure sustainability of the NGO programs as well as facilitate government-NGO cooperation, and ultimately end our engagement so we can invest our funds in other countries that present new opportunities for beginning or strengthening the battle against trafficking.

Next week, my Office will meet with relevant State Department bureaus, USAID, and Department of Labor to begin reviewing the many good proposals we received for possible funding. We will collectively identify the proposals which merit further consideration, then each bureau or agency will proceed with its own internal approval and administrative process to get these proposals funded. We have a tracking system in place to begin monitoring the amount of funds obligated for international anti-trafficking programs. This will help us better allocate our limited resources and promote transparency and coordination within the U.S. government.

#### OUTREACH

A key role of my Office is to promote awareness about the trafficking issue and the U.S. government's antitrafficking efforts with foreign governments, our own government, non-governmental organizations and the general public.

As Under Secretary Dobriansky noted, we have raised trafficking at every opportunity with foreign countries, domestic audiences, and within our own government. Last week I attended the "Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes" in Indonesia. I was struck by the high-level commitment in the region to combat trafficking in persons and organized crime. There was much candid discussion about the need to improve their efforts to address trafficking in persons.

While the Trafficking in Persons Report has helped illuminate the importance of the issue, we need to continue to educate governments on the importance of safeguarding the rights of victims, providing them with protection and prosecuting the traffickers. We also need to educate governments on the differences between migrant smuggling and trafficking in persons.

Over the last year, members of our new office traveled to Japan, West Africa, Belgium, Brazil, Mexico, Germany, and Jamaica to speak on trafficking panels at international conferences and share information with various foreign government officials and non-governmental representatives. They also traveled to different states, ranging from Alaska to Vermont to South Carolina, to enhance domestic public awareness of the trafficking issue and/or participate in training courses and conferences for U.S. government officials.

We are working to institutionalize anti-trafficking training for our foreign and civil service officers, ambassadors, and other U.S. government officials. For example, we recently did a presentation on the scope and magnitude of trafficking in Vermont as part of a program for INS personnel who will be adjudicating T Visa applications.

#### CLOSING

The United States Government, and Congress' enactment of the Victims of Trafficking and Violence Protection Act of 2000, put the spotlight on this human rights and criminal problem. As a result of our leadership, in many cases governments are taking action to eradicate this crime and to help its victims. The success of our efforts will be determined by the extent to which the fight against trafficking and assistance to its victims becomes institutionalized in civil society and governments all over the world.

I thank you for the opportunity to share our efforts and progress, and look forward to our continued collaboration.

Thank you.

Senator WELLSTONE. Thank you very much. You made the yellow light, broke a record for all of us.

Dr. Hanh.

#### **STATEMENT OF NGUYEN VAN HANH, PH.D., DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC**

Dr. HANH. Mr. Chairman and distinguished members of the committee, thank you for the opportunity to testify on the progress of the Department of Health and Human Services [HHS], in implementing the Trafficking Victims Protection Act of 2000. With your permission, my full testimony has been submitted for the record.

Senator WELLSTONE. It will be included in the record.

Dr. HANH. The following is my brief statement.

As evidenced by this panel, HHS is only one of the many Federal agencies playing a role in efforts to combat human trafficking. Given the complexity of participating in such a multi-agency endeavor, I am pleased at the progress that has been made and I am committed to continuing our efforts to implement the law in conjunction with the other key Federal agencies.

The Trafficking Victims Protection Act makes adult victims of severe forms of trafficking, who have been certified HHS, eligible for certain benefits and services to the same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age also are eligible for these benefits to the same extent as refugees, but do not need to be certified. Rather, these young victims receive letters of eligibility for services.

HHS has developed a systematic approach to the certification of trafficking victims and the facilitation of their access to benefits and services. We consult frequently with the U.S. Department of Justice, the agency that investigates and prosecutes trafficking cases and refers appropriate cases to my office for certification. We also coordinate with the U.S. attorneys' offices around the country on trafficking cases, as well as other Federal law enforcement officials from the Department of Labor and Immigration and Naturalization Service [INS].

Once we receive a referral, in order for us to issue a letter of certification, we must ensure that the victim has met all of the criteria required by the act. Adult victims must either have been granted continued presence or have received a bona fide T-visa application determination by INS. In addition, adult trafficking victims must be willing to assist in every reasonable way in the investigation and prosecution of traffickers. Finally, individuals must be determined to be victims of a severe form of trafficking.

If the appropriate criteria are met, then we will provide a certification letter to adult victims safely and without breaches of confidentiality. In addition, we contact local refugee service providers and other benefit-granting agencies to identify the most appropriate local programs to help the victims.

We also work with the INS to coordinate access to employment authorization documents, or EAD's. If a victim has an EAD, he or she may be eligible to enroll in programs which emphasize employment. One of these programs, the matching grant program, is designed to help refugees and now trafficking victims to obtain self-sufficiency within 4 months.

No group of individuals is more fragile and susceptible than victims who are under the age of 18, especially when the minors are unaccompanied by a parent or guardian. We are developing procedures to provide the best options for these victims, who not only need to begin their recovery from their traumatic experiences but also require resolution of their custody.

In fiscal year 2001, we issued 194 certification letters to adults and 4 eligibility letters to minors under the age of 18. Since the beginning of fiscal year 2002, 17 more certification letters for adults have been sent and 5 additional minors have received letters of eligibility.

If you will allow me a couple of minutes, I would like to clarify a couple points here.

In addition to certification and assistance activities, the Trafficking Victims Protection Act calls for HHS, in collaboration with other designated Federal agencies, to establish and carry out programs to increase public awareness about trafficking in persons. To that end, we have been actively involved with outreach efforts aimed at immigrant and refugee communities, non-governmental organizations, voluntary agencies, state and local social service providers, and other Federal and state officials.

Clearly, the trafficking program requires a close working relationship among many departments. HHS Deputy Secretary Claude Allen recently participated in the inaugural meeting of the President's Interagency Task Force on Trafficking, chaired by Secretary of State Colin Powell, reinforcing our commitment to work together on this critical effort.

In fiscal year 2001, we awarded more than \$1.25 million in discretionary grants to aid organizations throughout the United States. The grants provide groups the means to assist certified and/or eligible victims of trafficking in order to enhance their transition from victimization to self-sufficiency. In addition, these trafficking grant funds may also be used to fund other services needed during the time between the date of HHS certification/eligibility letters and the receipt of public benefits and support services.

I want to thank the committee for offering me the opportunity to outline HHS' response to the problem of human trafficking. Thank you.

[The prepared statement of Dr. Hanh follows:]

PREPARED STATEMENT OF NGUYEN VAN HANH, PH.D., DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, ADMINISTRATION FOR CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. Chairman and distinguished members of the Committee, thank you for the opportunity to testify on the progress of the Department of Health and Human Services (HHS) in implementing the Trafficking Victims Protection Act of 2000. As the Director of the Office of Refugee Resettlement (ORR), within the Administration for Children and Families, I am responsible for implementation of several provisions in the Trafficking program which I will discuss today. I want to assure you that the Department of Health and Human Services is fully committed to implementing this important legislation to protect and assist trafficking victims as part of the fight against the atrocity of human trafficking.

Since enactment of the law, HHS has acted quickly to implement our responsibilities under the Act, keeping in mind that behind our paper processes are vulnerable human beings who have been subjected to severe physical and emotional cruelty. These trafficking victims are frequently in desperate need of assistance, and HHS has worked diligently to see that once someone is determined to be a victim, no time is wasted in linking them up with necessary benefits and services.

HHS is determined to see that victims are given the opportunity to regain their dignity—by emphasizing benefit programs geared toward building self-sufficiency, rather than dependency. It has been our experience to date that this approach is what most trafficking victims prefer. When victims are empowered to gain back control of their own lives, everyone wins.

HHS is only one of many federal agencies playing a role in efforts to combat human trafficking. Given the complexity of participating in such a multi-agency endeavor, I am pleased at the progress that has been made and will commit to continuing our efforts to implement the law in conjunction with the other key federal agencies. Before speaking to our progress, however, I would like to provide a brief overview of the Trafficking Victims Protection Act and our Department's role in its implementation.



## I. BACKGROUND

The Trafficking Victims Protection Act of 2000 makes adult victims of severe forms of trafficking, who have been certified by HHS after consultation with the Attorney General, eligible for certain benefits and services to the same extent as refugees. Victims of severe forms of trafficking who are under 18 years of age also are eligible for these benefits to the same extent as refugees but do not need to be certified.

“Severe forms of trafficking in persons” is defined under the Act to mean: 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act is under 18 years of age; or 2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

I would like to turn now to our efforts to implement the certification requirements under the trafficking program.

## II. CERTIFICATION AND VICTIM ASSISTANCE

HHS has been actively involved in developing policies and procedures related to certifying individuals who are determined to be victims of a severe form of trafficking, and making victims eligible to access federal and certain state benefits and services to the same extent as refugees.

HHS has developed a systematic approach to the certification of trafficking victims and the facilitation of their access to benefits and services. We consult on a daily basis with staff at the U.S. Department of Justice, the agency that investigates and prosecutes trafficking cases and refers appropriate cases to my office 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 Immigration and Naturalization Service.

Once a referral is received, we must ensure that the victim has met all the criteria required by the Act in order to be certified. Adult victims must either have been granted continued presence or have received a bonafide T-visa application determination by INS. In addition, adult trafficking victims must be willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking in persons. Finally, individuals must be determined to be victims of a severe form of trafficking. Individuals under the age of 18 only need to be determined to be victims of a severe form of trafficking in order to be eligible to access federal and certain state benefits and services to the same extent as refugees.

If the appropriate criteria are met, then a certification letter will be provided to victims safely and without breaches of confidentiality. In addition, we contact local refugee service 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.

Further, we work with the Immigration and Naturalization Service (INS) to coordinate access to Employment Authorization Documents (EADs). I am very pleased that INS recently decided that EADs for victims whose continued presence is necessary to effectuate the prosecution of traffickers will be processed and issued centrally. This decision means that every victim will receive continued presence and his/her EAD at the same time. The EAD is a critical document because it permits eligible victims to work, which, in turn, leads towards self-sufficiency and improved self-esteem. If a victim has an EAD, she/he may be eligible to enroll in programs, such as ORR’s Voluntary Agency Match Grant Program, which emphasize employment. The increased stability that employment provides better prepares victims to assist in the prosecution of the traffickers.

I am also heartened by the recent issuance of the T-visa regulations by the Department of Justice. Victims whose application for a T-visa is determined by INS to be bonafide, and who are willing to cooperate with prosecution efforts, are eligible for HHS certification. Creating a process by which victims may work towards normalizing their immigration status while simultaneously making them eligible for benefits, encourages victims to develop stability in their lives and gain trust in the American justice system.

No group of individuals is more fragile and susceptible than victims who are under the age of 18, especially when the minors are unaccompanied by a parent or guardian. We are developing procedures to provide the best options for these victims, who not only need to begin their recovery from their traumatic experiences but also require resolution of their custody. Our goal is to ensure that all minors who are victims of a severe form of trafficking come forward and receive the protection and assistance they need.

Through regular contact with refugee service providers and other agencies assisting trafficking victims, we continue to learn a great deal about the certified trafficking population in the United States today. In FY 2001, ORR issued 194 certification letters to adults and 4 eligibility letters to minors under the age of 18. Since the beginning of fiscal year 2002, 17 more certification letters for adults have been sent, and five additional minors have received letters of eligibility.

The majority of victims, 82 percent, are female, while 39 victims, 18 percent, are men. Although the 220 victims have come from a variety of countries, a disproportionate number are from Vietnam. The Vietnamese victims were all involved in a single case in which garment workers, who believed they were coming to work in a U.S. factory, were held in slavery-like conditions with their freedom of movement restricted and, in some instances, suffered physical abuse.

Victims have also come from Bangladesh, Brazil, Cameroon, China, India, Jamaica, Mexico, Micronesia, Russia and Sri Lanka. Some of the victims were forced into a form of involuntary domestic servitude, forced to stay in the trafficker's house, suffering physical abuse and receiving no compensation for their work. Other victims were forced to work in the sex industry. In many of these cases, traffickers took the victims' immigration documents, restricted victims' freedom of movement, physically abused them and did not provide payment for work.

Victims are located throughout the United States. In all, certification/eligibility letters have been sent to benefit-issuing offices in 19 states plus the District of Columbia. Despite the hardships that these victims have suffered, many have been able to successfully participate in the refugee assistance program called the Voluntary Agency Match Grant Program. This program is designed to help refugees, and now trafficking victims, attain self-sufficiency within four months. The program emphasizes employment, English language training and cultural orientation.

During FY2001, 34 percent of the victims applied for food stamps, while 21 percent applied for Refugee Cash Assistance and 35 percent applied for Refugee Medical Assistance. Less than one percent of victims applied for Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI). The low application rates for TANF and SSI benefits are reflective of the fact that the overwhelming majority of certified/eligible victims are relatively young, employable single adults with no children.

### III. OUTREACH ACTIVITIES

In addition to certification and assistance activities, the Trafficking Victims Protection Act calls for HHS, in collaboration with other designated federal agencies, to establish and carry out programs to increase public awareness about trafficking in persons. To that end, we have been actively involved in outreach efforts aimed at immigrant and refugee communities, non-governmental organizations, voluntary agencies, state and local social service providers, state and local law enforcement, the general public, and other federal and state government officials.

HHS is developing plans to conduct a public awareness campaign designed to raise awareness about trafficking in persons and to encourage victims to step forward and seek help. HHS will continue to work with our federal counterparts to ensure trafficking victims receive all the benefits they are eligible for through the certification process. To further that end, we have facilitated training and given presentations in a variety of organized forums, reaching out to more than 1,400 individuals and organizations. These sessions focused on the problem of trafficking, background of the legislation, the roles and responsibilities of HHS within the law, the role of benefit-issuing offices within the HHS certification process, and the benefits and services available to certified/eligible trafficking victims.

Clearly, the trafficking program requires a close working relationship among many cabinet departments. HHS Deputy Secretary Claude Allen recently participated in the inaugural meeting of the President's Interagency Task Force on Trafficking, chaired by Secretary of State Colin Powell, reinforcing our commitment to work together on this critical effort. In addition, we have participated in an interagency working group that drafted a "trafficking in persons" brochure designed for wide dissemination to nongovernmental organizations. The brochure focuses on the needs of trafficking victims and what non-governmental organizations can do to assist them.

### IV. DISCRETIONARY GRANTS

The last implementation activity I would like to address is ORR discretionary grants. In FY 2001, we awarded more than \$1.25 million in 17-month discretionary grants to eight organizations throughout the United States. The grants provide these non-governmental groups the means to assist certified and/or eligible victims

of trafficking in order to enhance their transition from victimization to self-sufficiency. Grant funds may be used for a wide range of services, including case management, temporary housing, special mental health needs (such as trauma counseling), legal assistance referrals, and cultural orientation. These grant funds also may be used to fund other services needed during the time between the date of HHS certification/eligibility letters and the receipt of public benefits and support services.

We are pleased with the efforts of our grantees to date in finding ways to address the needs of trafficking victims, reaching out to community groups, and developing a growing network of service providers and law enforcement agencies who are committed to providing assistance to trafficking victims. Because of our successful experience so far working with these grantees, we plan to issue another grant announcement in the current fiscal year to provide additional opportunities and expand efforts to reach out to increasing numbers of trafficking victims.

#### V. CONCLUSION

As important as are the steps we have taken so far, we know that there are still a large number of victims trafficked annually into the United States. Our experience so far has made it clear how important it is to provide the right type of assistance to victims. We need to help victims understand that coming forward will result not in further victimization, but in their being made safe and provided with help.

We are committed to continuing our close relationships working with our fellow federal agencies and ensuring that we increase the communication to trafficking victims that we will protect them and will provide them with supportive services. If successful, our model will be important not only for victims in the United States but also for trafficking victims throughout the world.

I want to thank the committee for offering me the opportunity to outline HHS' response to the problem of human trafficking. At this time I'd be glad to address any questions you may have.

Senator WELLSTONE. Thank you very much, Dr. Hanh, and to you too, Ambassador Ely-Raphel.

Let me start with Ambassador Ely-Raphel because of the remarks that I made in my opening statement. One of the concerns that I have, as you know, in the spirit of "we can do better," is the importance of your office really bringing the agencies together and having a clear focus, clear benchmarks. It appears to me that a lot of your effort has been toward combating trafficking internationally, which is, of course, important. I am interested, in my questioning, in what efforts are underway to fight the trafficking domestically. How many meetings have you had with staff from DOJ and HHS and Labor? Do you have a coordinated strategy so the programs do not duplicate each other? Have you established some benchmarks whereby we can evaluate the programs?

Ms. ELY-RAPHEL. Mr. Chairman, I could say I am in almost constant communication with the Department of Justice, with the Department of Labor and the Department of HHS. We have had innumerable meetings, not only the task force meetings, but any number of meetings. The Justice Department co-chairs meetings with the Solicitor of Labor on victim exploitation and trafficking in persons. We have participated in all the meetings that they have held.

Senator WELLSTONE. Maybe I am just misinformed. My impression is that the actual bringing together all of the different agencies for an interagency meeting, that you have had just one of these meetings. Am I wrong?

Ms. ELY-RAPHEL. We had one large meeting just before—

Senator WELLSTONE. When was that?

Ms. ELY-RAPHEL. But we have had innumerable meetings with all the agencies.

Senator WELLSTONE. No, I understand you talk with different people, but I am talking about bringing people together, doing the coordination, doing the focus. You are key to that.

When have you brought everybody together from all the agencies where you had an interagency meeting, you chair, you coordinate? Was that this past week?

Ms. ELY-RAPHEL. We had one this week. We had one the week before that that the Secretary chaired, and we had one about 2 weeks before that and we have had a number of meetings in between. So, I think we are doing a lot of coordinating and a lot of meeting. You talked with my colleagues from the other departments. I think they may be getting tired of seeing me and hearing my voice.

Senator WELLSTONE. I do not want to say that is good.

Have you met regularly with the NGOs and some of the trafficking victims?

Ms. ELY-RAPHEL. We have. We had all the NGOs—I met with all of them when I first began this job in acquiring information as to what they thought we should do to improve the report before we send out our cable to all our embassies asking for information on the reports. I met with them subsequently. In fact, yesterday I spoke to a whole group of NGOs on trafficking.

Senator WELLSTONE. Ambassador Ely-Raphel, so if I met with the NGOs—our office is close to them—and I say do you feel like this Office of Trafficking is reaching out, meeting with you in regular consultation, their answer will be yes?

Ms. ELY-RAPHEL. I hope so, and if not, we will be very happy to meet with them more often. My door is always open to all the NGOs.

Senator WELLSTONE. That is very responsive and I thank you.

Do you plan to release an interim report on the progress made? I think you know some of these questions that are coming. It is just good to get your answer on the record. Tier 1, 2, and 3, and in particular with the 3 countries, I am interested in whether or not any of those countries have now made some positive steps and are now more cooperative in light of the report.

Ms. ELY-RAPHEL. Well, I think the country that drew the most attention of all probably was South Korea that was on tier 3. We have met with the South Korean Government from the highest levels. They presented us with a great deal of information. They took their place in the report very, very seriously and, indeed, are a role model for the way states should react to the situation. As I indicated to their Minister whom I met with when I was in Indonesia, I would give them a tremendous amount of credit as would any other members of the administration, the State Department, for what they were doing, but we were very close to issuing the next report, which will come out in June, and I have been complimenting the South Koreans on the role that they have taken in doing this.

Senator WELLSTONE. The next report will be out in June?

Ms. ELY-RAPHEL. And the next report will be out in June. So, the information is coming in now.

Senator WELLSTONE. As to progress made by tier 1, 2, and 3?

Ms. ELY-RAPHEL. And similarly, there have been other countries as well that were on tier 3 that have come in and made major efforts.

Senator WELLSTONE. Thank you. I will just keep moving along.

I said this earlier and I was wondering about your response. I was saying we have got the CIA with an estimate of 50,000 victims that are trafficked in the United States per year. The administration has identified fewer than 250 victims. Do you have any data that you can present to us as to what we are dealing with here, the magnitude of the problem in our own country? In other words, I am for the global part, but then when we hear a report of women from Ukraine forced into prostitution 2 miles from here in Bethesda, I think we better make sure we get it right here too. Do you have any data as to the magnitude of the problem we are dealing with here in our own country?

Ms. ELY-RAPHEL. I know the figures that we use for the United States. I am not confident that we have the right figures. In many respects, when I go around talking to people, I feel like it is the tip of the iceberg, that it is much more serious than the figures that we have. I have been in communication with all the intelligence agencies, and they have assured us that they are working on this and will provide us with better information.

Senator WELLSTONE. Any help I think you could give us in presenting your best estimate. I am not trying to be snide between 50,000 and 250,000. So, any help you can give us, given your key position, giving us some sense of what the magnitude of the problem is would be much appreciated.

Finally, Dr. Hanh, because I will run out of time, I think you referred to the \$10 million that you received for trafficking victim services. What are your plans for funding organizations that provide these victim services and also to train those organizations? I think you referred to it but I was rushing you along.

Dr. HANH. Certainly out of the \$10 million authorized we have spent \$1.25 million for eight grants nationwide to help with providing services, assistance to the victims. We also use the money for staffing and other services. We intend to engage in grants to the communities in anticipation of the expanded needs of services to the victims. We also, in particular, are planning for increasing awareness or a campaign for public awareness, if you wish, just to be sure not only nonprofit organizations and community-based organizations are aware of the issues, but also to encourage victims and others to come forward so that we have a better handle on the magnitude of the problems and how to help the victims.

Senator WELLSTONE. Thank you.

Senator Brownback.

Senator BROWNBACK. Thanks, Mr. Chairman, and thank you both for being here to testify in front of us.

Ambassador, you being the first person to head this office, you kind of set the template for it, and so we wish you well and Godspeed on really setting an aggressive agenda.

The first report that came out was excellent. It really lit a fire under a number of places. I thought it was quite valuable.

There has been some internal discussion going on about is the office just about issuing a report or is it about advocacy and other

issues. My clear preference is for it to be a very aggressive advocacy office for elimination of international trafficking, this modern form of slavery. As you look at what your role is at the head of this office, how would you put it in a couple of words?

Ms. ELY-RAPHEL. Absolutely. I think it is advocacy. I think the report gives us a wonderful tool to use, but in my conversations—and I met with many government officials, particularly at the meeting in Indonesia. They had 31 Ministers there. They are all interested in trafficking and they all seemed to be interested in doing something about it. So, I think we are getting their attention, but I think we just have to go back and work out country action plans that will address the problems and try to go some way to resolve them.

Senator BROWNBACK. I would hope you would be on the road a lot, not that I want to hurt your family life or anything like that. But it seems like right now would be a very important time to be on the road, particularly with the second and third tier countries and going there and saying, here is what we are looking for and we would like to get you off of being in the third tier. We are happy to work with you on this. I hope you would be out there a great deal.

Ms. ELY-RAPHEL. That is exactly what I intend to do and that is exactly what we are hoping we can work out with these countries to encourage them to work with us, because if they are not interested, we cannot do anything for them. But if they are interested in dealing with the problem, it is such a great opportunity for us.

Senator BROWNBACK. I want to ask you about an aspect of this that I think is pretty tough to deal with, and I wonder how you are responding to it. You are a former Ambassador and have worked overseas a great deal. You know the sensitivity of what happens to families in that country. For instance, if you are a girl who has been trafficked from the Ukraine, that organized crime may have been a part of this, and that your family that remains in the Ukraine is under a threat. We have heard about these sort of situations. We had some women who have been trafficked and reported that their families had been intimidated in their home country and that they could not speak out because of that intimidation toward their own families. How do we address that issue for them? How do you think we go about making it safe for people to come forward and speak out about what has happened to them back in their own countries?

Ms. ELY-RAPHEL. Well, if they are a victim here in the United States and they are agreeing to cooperate with law enforcement, they would be eligible for a T-visa which would enable a woman to bring her husband and family here, or if it is a child, to bring the parents here.

Senator BROWNBACK. What about the rest of the extended family?

Ms. ELY-RAPHEL. It depends on what country we are dealing with. You mentioned Ukraine. We do have a regional legal officer, a LEGATT, in the Ukraine. And the Justice Department, if they were issuing the visa, would be in communication with our LEGATT in the capital.

I know so much of it depends upon how good the law enforcement situation is in the country. It would be easy, for example, for me in Slovenia because I know that when I would contact the police, they would be responsive immediately, but in other countries of the world, it really depends on the law enforcement situation and the relationship that we have with them. But I know in south-eastern Europe and central Europe, we do have legal attaches in many of those posts, so we have contacts that we can work with.

Senator BROWNBACK. I think this is going to be a tough aspect of this problem, and the answers that you develop may have to be broader-based answers than direct to a child or a husband. It could be some extended family members that are being threatened a great deal. And we are going to need to work with them. I think initially, as we get into this area, we are going to have to make it safe for people to come out of the dark, to be able to testify against organizations. I think particularly if it is a significant organization that is doing trafficking and we really want to get at them, we are probably going to have to work pretty broadly to get people to testify and provide some security for several members within that family to work with them.

Ms. ELY-RAPHEL. We have had training programs, and in fact, I think they had one in the Ukraine on what witness protection is all about. But I do not think they have the facilities to implement it, but I think those kinds of training programs will be useful.

We also have the FBI Academy which is in Budapest that trains a lot of the law enforcement people in that part of the world. We have some elsewhere. So that may be also an avenue because so much of it is cooperation.

Senator BROWNBACK. It is going to be a lot of cooperation.

Thank you very much for your initial efforts in this. We want you to be very aggressive on this because I think it is the right moment. Make hay while the sun is out, and I think really we have got the sun shining in some of this area and it is time for us to really aggressively move forward. Thanks.

Ms. ELY-RAPHEL. Thank you, Senator.

Senator WELLSTONE. Before you all leave—and I thank both of you, and we will move right on to the next panel—I did want to say to Ambassador Ely-Raphel—first of all, thanks to both of you. Senator Brownback was asking about advocacy, and I wanted to mention to you that this conference that is being set up on trafficking, I know \$1 million is going to this conference. It is a lot of money and I hope that there will be a very strong focus on advocacy at the conference. Frankly, that is my first point.

My second point is I can see a whole lot we need to do other than getting ready for a conference, and I will just express that to make that part of the record. I think you hear me.

Let me thank both of you very much for coming today. Your work is much appreciated. Thank you.

Ms. ELY-RAPHEL. Thank you, Mr. Chairman.

Senator WELLSTONE. We will move on to the third panel. We are going to go in this order because Senator Brownback is going to have to excuse himself a little bit before we are done. Carol Smolenski, who is coordinator of the U.S. branch of End Child Prostitution and Trafficking, followed by Mrs. Ann Jordan who is

director of the Initiative Against Trafficking at the International Human Rights Law Group, and then Ms. Hae Jung Cho, who is project director of the Coalition to Abolish Slavery & Trafficking.

I wanted to point out for the record that we have a wide variety of perspectives in panelists here. I am not sure the panelists all agree with each others' positions on every issue. I am not sure I agree with the panelists' positions on every issue. I know I do not agree with him on hardly any issues.

Senator BROWNBACK. You are getting better.

Senator WELLSTONE. You are getting better.

We thank all of you.

Carol.

**STATEMENT OF CAROL SMOLENSKI, COORDINATOR, END CHILD PROSTITUTION AND TRAFFICKING-USA, NEW YORK, NY**

Ms. SMOLENSKI. Thank you Mr. Chairman. My name is Carol Smolenski. I am the coordinator of ECPAT-USA. ECPAT-USA is the U.S. branch of ECPAT-International based in Bangkok. ECPAT stands for End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes.

I am here to tell you something about the problem of child sex tourism, how it intersects with the larger crime of trafficking in persons and what can be done to stop it. It is the demand side of the trafficking problem that still needs to be addressed.

ECPAT got its start in Asia in 1991 when some churches and children's rights activists heard the results of a study about the sale and trafficking of children within Asia. What they learned was shocking and yet virtually unrecognized by the rest of the world, that uncounted numbers of children were being forced into the sex industry in Asia partly to meet the demand of foreign sex tourists from all over the world.

Initially focused on Thailand, Taiwan, Sri Lanka, and the Philippines, now ECPAT is a global organization focusing on the commercial sexual exploitation of children in all its forms, not just in Asia, but around the world, including in the United States. We define children as people under 18 years old, using the definition of the U.N. Convention on the Rights of the Child. It is generally accepted that there are at least 2 million sexually exploited children in the world, including both boys and girls.

One reason, among the many, that people travel abroad is to experience something of the local cultures, to experience the exotic, to live, if ever so briefly, outside the confines of their everyday life. On vacation you can imagine yourself in a life unlike life at home, an idea the legitimate tourism industry promotes in its advertisements.

Some of the people who have these fantasies are called sex tourists. They are people who go on vacation in order to have repeated sexual contact with the local population. In the same way that some people go on skiing holidays or on vacation to experience the local culture through visits to museums or theaters, sex tourists travel to have sex. They go to a place where they are unknown and can behave in a way that friends and neighbors back home would find unacceptable. Child sex tourists seek out sex with children.



Child sex tourists are not just pedophiles, though pedophiles do abuse a lot of children. Research on pedophiles calls them adults with a diagnosable disorder that prevents them from being able to experience and enjoy sexual intimacy with other adults. Their sexual interest is exclusively focused on young children. Pedophiles share information among themselves about where to find vulnerable children around the world. The first sex tourist prosecuted in the United States for traveling abroad to Honduras, in his case to sexually exploit children, had information on his computer about how to find children in Nepal as well as other countries.

But there are other sex tourists who are not pedophiles. These are people—I should say men, because men are by far the majority of child sex abusers. These are men who wish to experiment by having children as sexual partners when they are in a situation where they believe this is acceptable behavior, for example, in a foreign country with a racial group different from their own. Or they have sex with children because they simply do not care whether their sex partner is 12, 18, or 25 as long as the partner meets certain physical requirements that the man considers attractive. We call them situational child sex abusers.

Since so many societies and cultures consider an attractive “woman” to be one who is slender, fit, youthful, and young looking, it is very likely that a man will seek out a young girl for a sex partner. Child sex tourists sexually abuse children because they are prostitute-users and/or strip and sex show customers and/or consumers of pornography in a world which, on the one hand, places sexual value on youth and, on the other, forces large numbers of children, either through direct coercion or economic necessity, into working in the sex industry. Many prostitutes enter the sex market before their 18th birthdays, often well before they turn 18, so anyone having sex with a prostituted person may well be a child sex abuser, whether he acknowledges it or not.

Sex tourists have a vast array of sex tours to choose from. A few years ago, Business Week magazine turned up 25 sex tour companies in the United States. The Internet is filled with advertisements for sex tours to a variety of destinations. Last week I type the words “sex tours” into the Google.com search engine. I got a list of 14,600 entries. Not every one of those, of course, was a site for a sex tour company. Many were pornography sites, and some were analyses of sex tourism.

But a review of sex tour sites and sites where men share information about sex tourism shows that people are trafficked to sex tour destinations to meet the demand; that mass marketing to moderate income sex tourists is part of the appeal; and that men are often indiscriminate about the age of the prostitutes they seek, although youthfulness and willingness to do whatever they are asked to do seem to be some of the most attractive attributes a prostituted person can offer.

Here are some excerpts from the sites I looked at. There is a 7-year-old in the room so I will not go too far into detail here.

“Costa Rica Sex Sizzles,” is the name of one of them. “Costa Rica sex is the magnet that pulls men to this tropical land where prostitutes and prostitution are legal at age 18.” This is a quote from the site. “Sensuous senioritas and escorts from Colombia, Cuba, and

other Latin lands come here too. Why go all the way to Thailand on Asian tours when Latin America is so close and so hot?"

On Best of Asia.com, there are tours advertised but also a number of pornography links including some entitled "Barely Legal Asian," "Hot Young Teens." This is one of the characteristics of sex tour sites. They might put a disclaimer on the site—oh, my time is up and I was going to go on and on.

Well, I guess I will leave it at that for now.

Senator BROWNBACK. Do you mind, Mr. Chairman?

Senator WELLSTONE. Go ahead for a few more minutes.

Ms. SMOLENSKI. Thank you.

They put a disclaimer on the site stating that they do not provide child sex tours or provide girls under 18, but sex tourists know and are given to believe on the Websites that young girls are available when they get to the destination.

I will skip the horrific quotes from the sex tourists about why they go to these destinations. They do it because they believe that girls like it there.

The advertised sex tours feed into these stereotypes by advertising the passivity and youth of the children and women who the men will meet on these tours.

The sex tour is the nexus between the supply of children's bodies and the demand by men—again, it is mostly men—with enough disposable income and equipped with the rationale that it is culturally acceptable and even legal to exploit the vulnerable children they come across in poor countries. They even convince themselves that they are helping the children because they give them money. Any country with a growing tourism industry confronts the growth of the demand for prostituted children in that country.

For example, as Cambodia looks to tourism for economic development, the potential danger of sex tourism looms for poor children. And then I have a quote here from a sex tourist who is sharing information about what he got and how much it cost in Phnom Penh. "The poor (literally)," he wrote, "little girls some of them do try, they get a few cents only from papasan and own little more than a dress or two." Cambodia's Tourism Ministry is trying to do something about this, and they have a program for that.

Senator WELLSTONE. We can have the full statement included in the record.

Ms. SMOLENSKI. I know. It is on the record. I am just going to read the last few things that tell you what you can do about it.

Senator WELLSTONE. We would be very interested in that.

Ms. SMOLENSKI. Deterrence. Advertise the laws against child sex tourism. This can be done in a number of ways. The European travel industry has been very involved in fighting child sex tourism. Unfortunately, the U.S. industry has declined to become involved. For example, nine European airlines show or have shown in-flight videos advertising the laws against child sex tourism as a deterrent to the situational child sex abuser. Every single U.S. airline, even though requested by the Federal Department of Transportation, the president of Air France, and ECPAT-USA, has refused to get involved.

It should be made easier to prosecute American sex tourists by training law enforcement in other countries about how to gather

evidence for use in U.S. courts and putting more resources into making cases against American sex tourists and also changing the law in the way that you had said, Senator Brownback, about doing away with the intention provision.

There are some regulatory ways that it can be treated. I can give you a much longer list than is actually in here.

As we speak—let me just finish—children are being forced into the sex business and American men are eagerly joining the ranks of those who seek out their bodies. The United States must stop the contribution that American men make to this abhorrent practice. The U.S. trafficking bill successfully focuses on the supply side. This is a market, though. It is time to stop the demand.

[The prepared statement of Ms. Smolenski follows:]

PREPARED STATEMENT OF CAROL SMOLENSKI, COORDINATOR, ECPAT-USA

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On Best of Asia.com there are tours advertised but also a number of pornography links including some entitled “Barely Legal Asian, Hot Young Teens”. This is one of the characteristics of sex tour sites. They might put a disclaimer on the site stating that they do not provide child sex tours or provide girls under 18, but sex tourists know, and are given to believe on the websites, that young girls are available when they get to the destination.

On Dexterhorn.com where trips to Asia and Germany are advertised it reads “we know all the places to go to have sex with women, 24 hours a day. . . . Beer bars overflowing with young girls begging you to take them back to your hotel. . . . Massage parlors where you can get massaged, ----- and ----- by one or more Thai girls for the price of filling up your gas tank.”

The infamous online company Love Tours advertises “every girl in every club is available. Every girl in every club is affordable”.

Men who travel with sex tours say they believe that it is culturally acceptable and legal to have sex with children in other countries. Another man, interviewed sitting in a bar with two girls, 12 and 13 years old by his side, said “American girls, in America and places like that you see, they’re not so free about sex and their bodies. . . . They let you do things here an American girl’d never dream of doing. I can’t even say to you what they let you do.” (Quoted in Julia O’Connell Davidson and Jacqueline Sanchez Taylor, 1996, “Child Prostitution and Sex Tourism: The Dominican Republic.”)

The advertised sex tours feed into these stereotypes by advertising the passivity and youth of the children or women who the men will meet on these tours.

The sex tour is the nexus between the supply of children’s bodies and the demand by men, again, it is mostly men, with enough disposable income and equipped with the rationale that it is culturally acceptable and even legal to exploit the vulnerable children they come across in poor countries. They even convince themselves that they are helping the children because they give them money. Any country with a growing tourism industry confronts the growth of the demand for prostituted children in that country.

For example, as Cambodia looks to tourism for economic development, the potential danger of sex tourism looms for poor children and women who will come in contact with well-off foreign tourists for the first time. Here is an excerpt from a website used by sex tourists to share information about Phnom Penh,: “Price of girls: short time \$3-\$5; all-nite \$15-20 . . . I got two girls for \$7 once. Don’t pay in advance and don’t be bashful about sending her back if she doesn’t do as advertised. . . . Be sure to tip the chick privately for good service. The poor (literally)

little girls some of them do try, they get a few cents only from papasan and own little more than a dress or two." At least in Cambodia's case, officials are aware of the problem and would like to mitigate it. In Autumn 2000 Cambodia's Tourism Ministry announced plans to start a campaign against child sex tourism by posting signs in hotels, guest houses and nightclubs warning against sex with children.

As sex tour destinations are opened up and advertised, for a variety of income groups, the increase in demand increases the need to traffick more bodies to the brothel areas in the sex tour destinations. Of course it is not just sex tours that lead to increased trafficking. For example, we know from our colleagues around the world about increasing numbers of people being trafficked from Eastern Europe and Latin America to meet the demand from U.S. military personnel in the brothel areas near the U.S. military bases in South Korea. The presence of military personnel from any country in any country is associated with a growth of prostitution.

But we also know that women and children are trafficked into the sex tour destinations of Bangkok and Costa Rica. The sex tour focuses the demand in certain areas facilitating the transaction by concentrating the business in one place.

ECPAT-USA and our partners around the world call on you to take a number of steps to stop the demand for trafficking victims.

*Deterrence:* Advertise the laws against child sex tourism. This can be done in a number of ways. The European travel industry has been very involved in fighting child sex tourism. Unfortunately, the U.S. industry has declined to become involved. For example, nine European airlines show or have shown inflight videos advertising the laws against child sex tourism as a deterrent to the situational child sex abuser. Every single U.S. airline, even though requested by the federal Department of Transportation, the president of Air France and ECPAT-USA, has refused to get involved.

*Law enforcement:* Make it easier to prosecute American sex tourists by training law enforcement in other countries about gathering evidence for use in U.S. courts, or policies to encourage other countries to prosecute and incarcerate American sex tourists. Put more resources toward making cases against American sex tourists and change the U.S. extraterritoriality law to make it easier to prosecute American sex tourists.

*Regulation:* Require sex tour companies to keep records of the people going on sex tours such as name, address, social security number and passport number and similar information about the names of the children or women to whom they are introduced in the foreign country.

As we speak, children are being forced into the sex business and American men are eagerly joining the ranks of those who seek out their bodies. The U.S. must stop the contribution that American men make to this abhorrent practice. The U.S. trafficking bill successfully focuses on the supply side. This is a market in children bodies. It is time to stop the demand.

Senator WELLSTONE. Thank you.

Senator BROWNBACK. Mr. Chairman, because I am going to have to leave, can I make a comment quickly? This is the point that I raised in my opening statement and it is what I have seen as I have traveled too. And you put it very well. We have been focusing on the supply side, and we need to get at the demand side. When I was in Thailand up on the border, they showed me a notebook that was full of pictures, and this was at a hotel. Somebody would go into the hotel that was on some sort of sex tour and was interested in that and they could get at this notebook that just showed pictures of young girls for them to point out and say, well, OK, I like this one and this one. And then a courier goes and gets this young girl who could be very young.

This is, unfortunately, a regular organized business. We are trying to get at the supply side, but the Thai Government was frustrated. Why are these people coming here from Europe, from the United States? You need to get at it on that end of it. It is just an awful, sick thing that is going on.

So, I am hopeful that we can put forward some legislation in a bipartisan way to address this and that the Congress will act on it to get at this intent issue because that is just so tough to prove,

that yes, I got on the plane to do this, not that I did it, but I got on the plane meaning to do it, so that we could prosecute. If that person actually did conduct that activity, base it on that.

Senator WELLSTONE. Well, I would just thank you too. I said to Sam this has the makings of another counterintuitive Brownback-Wellstone alliance. I think we will definitely work together. This will not be the end of this. We are really going to work on it.

Senator BROWNBAC. Thank you.

Ms. SMOLENSKI. Thank you. I would welcome that so much.

Senator WELLSTONE. Ms. Jordan. Thank you for coming, Ms. Jordan.

**STATEMENT OF ANN JORDAN, DIRECTOR, INITIATIVE AGAINST TRAFFICKING IN PERSONS, INTERNATIONAL HUMAN RIGHTS LAW GROUP, WASHINGTON, DC**

Ms. JORDAN. Thank you. I would like to present my full testimony for the record and provide some comments.

Senator WELLSTONE. It will be included in the record.

Ms. JORDAN. I wish to begin by thanking Senators Wellstone and Brownback, as well as Representative Chris Smith and former Representative Gejdenson, for ensuring that the United States has one of the strongest pieces of trafficking legislation in the world. I would also like to thank the subcommittee members for providing me with this opportunity to speak.

The International Human Rights Law Group's trafficking initiative has organized a freedom network for service providers and advocates. It has worked with its Cambodia legal aid program to create a Center Against Trafficking to provide legal services to trafficked persons and is working with its offices in Bosnia and Herzegovina and Nigeria to create a network of service providers and lawyers. It was also actively involved in the development of this wonderful new law and the U.N. Trafficking Protocol.

It is encouraging to note, as we have heard today, in a little over a year since the trafficking law was enacted, tremendous progress has been made. I am sure that even greater progress can be expected over the next year, given the administration's commitment to combating trafficking.

The next speaker, Hae Jung Cho, will talk about many of the gaps in the legislation, and I will just address three that have been noted by members of our network.

The first is that it appears that investigations and prosecutions are slowing down. It is unclear whether this is due to the shift in focus to terrorism or to the threefold increase in the number of cases being investigated, or both. We hope that the Justice Department has the resources to be able to investigate these cases more rapidly.

Second, the INS has yet to designate an office or a person responsible for coordinating INS activities and liaising with service providers. The INS started this week to process T-visa applications, and so the advocacy community's need for a point person or an office is immediate.

Third, the Office for Victims of Crime in the Department of Justice, which has \$10 million to provide services for NGOs, has yet to develop a comprehensive plan for funding those services. The

need for trained and funded service providers is increasing rapidly, so that we hope that the Office for Victims of Crime will be able to start issuing requests for proposals quickly so that the organizations will be ready to take on the clients that come to them with all of these increased investigations.

I will now turn to trafficking abroad. The U.S. commitment to supporting and contributing to peacekeeping and civilian police forces is essential to the development of stability and democracy around the world. At the same time, well-documented reports concerning the relationship between such international forces and trafficking into forced prostitution cannot be ignored. For example, a recent Washington Post article reported on problems in investigating numerous allegations of International Police Task Force involvement in trafficking in Bosnia.

In my recent trip to Bosnia, I heard heartbreaking stories of women and girls who are being brought into the country under false pretexts. In Bosnia and in many other countries around the world, women and girls are held by traffickers who sell the right to have sex with them or, more accurately, to rape them. While some women do sell sex voluntarily in Bosnia in brothels and clubs, local groups have told me that they believe that the overwhelming majority, perhaps 70 to 90 percent, of the women are being held against their will or under psychological coercion.

Governments contributing forces should investigate and prosecute police and military personnel who commit crimes while on peacekeeping missions and should waive diplomatic immunity which blocks such prosecutions. While the U.S. Military Extraterritorial Jurisdiction Act provides that our Government has the authority over U.S. military personnel who commit crimes abroad, no similar law exists for the international police personnel who consequently have immunity from prosecution in the United States. This should be changed.

Additionally, arm's length relationships between the U.S. Government and private contractors who hire and recruit and employ staff within peacekeeping missions is a problem. In Bosnia, the U.S. police contingent is hired by a private company called DynCorp. This system of contractual relationships is said to limit the accountability of the United States and to make it more difficult to address any unprofessional, corrupt, or criminal behavior by U.S. International Police Task Force personnel.

Immunity is also a problem with respect to trafficking and abuse by foreign diplomats and officials of international organizations in the United States. Despite growing evidence of such abuse, I am not aware of any case in which a diplomat or international organization official has suffered the consequence of being sent home or denied the right to bring in additional domestic workers.

Additionally, I have been contacted by NGO partners abroad who have asked for information about any U.S. law that would permit domestic workers in their countries who are employed by U.S. diplomats to sue their U.S. employers. I am unaware of any such law or any such case that has ever been allowed to be brought against a U.S. diplomat to address this harm.

I wish to thank you again for offering me this opportunity to speak, and I want to assure you that my organization and mem-

bers of the network are looking forward to working with the relevant departments and agencies and with Members of Congress to ensure that traffickers are punished and that the rights of victims are protected. Thank you.

[The prepared statement of Ms. Jordan follows:]

PREPARED STATEMENT OF ANN JORDAN, DIRECTOR, INITIATIVE AGAINST TRAFFICKING  
IN PERSONS AT THE INTERNATIONAL HUMAN RIGHTS LAW GROUP

I wish to begin by thanking Senators Wellstone and Brownback (as well as Representative Chris Smith and former Representative Gejdenson) for ensuring that the United States has one of the strongest pieces of anti-trafficking legislation in the world. I would also like to thank the Subcommittee members for providing me with this opportunity to present some views from the service provider and advocacy community.

The Initiative Against Trafficking in Persons at the International Human Rights Law Group works towards development of a human rights framework in state responses to trafficking in persons worldwide. It has organized U.S. service providers and advocates into the Freedom Network (USA), has worked with its Cambodia legal aid program to create a Center Against Trafficking to provide legal representation for trafficked persons and is working with its offices in Bosnia and Herzegovina and Nigeria to create a network of service providers and lawyers. It was also actively involved in the development of the new U.S. trafficking law and the UN Trafficking Protocol.

It is encouraging to note that, in the little over a year since the Victims of Trafficking and Violence Protection Act was enacted, tremendous progress has been made. The State Department and USAID are moving forward in creating development and assistance programs abroad as part of a prevention strategy. The State Department's Office to Monitor and Combat Trafficking has opened. The Department of Justice has tripled its number of investigations and the INS has issued regulations for the new T visa. This is indeed tremendous progress and even greater progress can be expected by this time next year given the Administration's commitment to combatting trafficking.

I would like to share with the Committee some thoughts on a range of issues that could be, or should be, addressed over the coming year:

IMPLEMENTATION OF THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT

I will first share with you some of the concerns of members of the Freedom Network (USA) to Empower Trafficked and Enslaved Persons. The Freedom Network (USA) is composed of direct service and advocacy organizations that have been involved in some of the most important trafficking cases to date in this country. More information is available about the Freedom Network at [www.freedomnetworkusa.org](http://www.freedomnetworkusa.org) and in the handout distributed today.

The Coalition to Abolish Slavery & Trafficking, a Freedom Network member, has already described some of the gaps in implementation and I will address some additional areas of concern:

1. Investigations and prosecutions appear to have slowed down. It is unclear whether this is due to the shift of focus to terrorism or to the threefold increase in the number of cases being investigated, or both. We hope the Justice Department has the resources to be able to investigate cases more rapidly.
2. Processing time for continued presence or other status and work authorizations for trafficking victims is often extremely slow. Some requests to the INS take months, which then delays the issuance of work authorizations and benefits. We appreciate the difficulties in setting up a new program, but we hope the INS will solve this problem quickly.
3. The INS has yet to designate an office or a person responsible for coordinating INS activities and liaising with the service providers. The INS started this week to process applications for T visas, and so the advocacy community's need for a point person or office is immediate.
4. Training for INS and FBI agents and Assistant U.S. Attorneys should proceed more rapidly. Many agents and attorneys are unaware of the law or the difference between trafficking and smuggling. Furthermore, they may not immediately contact the Civil Rights Division trafficking team for assistance, which can result in cases being labeled incorrectly as smuggling or other offenses.



5. The Office for Victims of Crime in the Department of Justice has yet to develop a comprehensive plan for funding service providers and trainers. The OVC has received \$10 million for these purposes. Very few service providers are funded to provide services even though more trained and funded service providers will be necessary soon to handle the increased number of cases resulting from the increased number of investigations now underway. We hope OVC will be able to start issuing RFPs quickly.

#### INTERNATIONAL POLICE, MILITARY FORCES AND TRAFFICKING

I will now turn to trafficking abroad. The U.S. commitment to supporting and contributing to peacekeeping and civilian police forces is essential to the development of stability and democracy around the world. At the same time, well-documented reports concerning the relationship between such international forces and trafficking into forced prostitution cannot be ignored. For example, a recent Washington Post article reported on problems in investigating numerous allegations of international police task force involvement in trafficking in Bosnia.

In focusing on the relationship between international forces and trafficking into forced prostitution, however, we should not forget that the international customers are not the main problem. For example, a UN representative in Bosnia estimates that about 30% of brothel customers are internationals; the majority of the men then are locals. Yet, it is essential that the international community set a higher standard of conduct and that the apparently symbiotic relationship between the international forces and trafficking be addressed.

In working with the Law Group's staff and local organizations in Bosnia, I have heard heartbreaking stories of women and girls who are being brought into the country under false pretenses. In Bosnia, and in many other countries around the world, women and girls are held by traffickers who sell the right to have sex with them, or more accurately, to rape them. While some women sell sex voluntarily in Bosnian brothels and clubs, local groups believe that the overwhelming majority (maybe 70-90%) of the women are being held against their will or under psychological coercion.

The groups in Bosnia are also convinced that the reaction by the international community is inadequate. Few traffickers are ever prosecuted and even fewer ever spend any time in prison. The international community could provide support to the judiciary in Bosnia and elsewhere to improve the chances of successful prosecutions. It could also provide more training for, and more accountability by, the international community, particularly the military and international police in order to set a high standard of conduct in their missions.

In particular, governments contributing forces should commit themselves to investigating and prosecuting police and military personnel who commit crimes while on peacekeeping missions and to waiving diplomatic immunity, which blocks such prosecutions. While the U.S. Military Extraterritorial Jurisdiction Act provides our government with authority over U.S. military personnel who commit crimes abroad, no similar law exists for the international police personnel who, consequently, have immunity from prosecution in the U.S. This should be changed.

A further problem raised by UN officials and organizations in my recent trip to Bosnia is the arms-length relationship that is created when the U.S. hires private companies to recruit and employ staff within peacekeeping missions. In Bosnia, the U.S. IPTF contingent is hired by a private contractor, DynCorp, and not by the U.S. government. This situation is said to limit accountability of the U.S. and to make it more difficult to address any unprofessional, corrupt or criminal behavior by U.S. IPTF personnel.

The presence of international military and police forces is essential for countries recovering from international conflicts and internal strife. However, the international community needs to address the problem created by the presence of so many unaccompanied men in impoverished countries. It should set an example by taking strong measures to prosecute all traffickers at home and assisting other countries to strengthen their law enforcement responses. Ideally, the U.S. could play a leadership role in raising this issue internationally by developing the necessary legal and policy framework in the U.S.

#### DIPLOMATIC IMMUNITY

Immunity is also a problem with respect to trafficking and abuse by foreign diplomats and officials of international organizations in the United States. Despite growing evidence of abuse of domestic workers that, in many instances, amounts to trafficking for forced labor, as far as I am aware, not one abusive or trafficking dip-

lomat or international organization official has suffered the consequence of being sent home or denied the right to bring in additional domestic workers.

Similarly, I have been contacted by NGO partners abroad who have asked for information about any U.S. law that would permit workers to sue their U.S. diplomat employers. I am unaware of any case in which an U.S. diplomat has been prosecuted in the U.S. for such abuse.

In closing, I want to ensure you that my organization and other members of the Freedom Network (USA) look forward to working with the relevant departments and agencies and members of Congress in order to ensure that traffickers are punished and the rights of trafficked persons are protected.

Thank you again for offering me this opportunity to speak. I would be glad to address any questions you might have.

Senator WELLSTONE. I tell you, your testimony—the collective “you”—is riveting, and I want to come back with some questions.

Hae Jung Cho is project director of the Coalition to Abolish Slavery & Trafficking, and since you are last, I want to give just a little bit more of an introduction because CAST is based in Los Angeles and you have been a real pioneer when it comes to helping trafficking victims. The organization that Hae Jung Cho represents is the first and only organization in the United States exclusively dedicated to serving victims of trafficking in a domestic context, and we thank you for your work.

**STATEMENT OF HAE JUNG CHO, PROJECT DIRECTOR, COALITION TO ABOLISH SLAVERY & TRAFFICKING, LOS ANGELES, CA**

Ms. CHO. Thank you, Senator. I would like to thank both Senators Wellstone and Brownback, also Representative Chris Smith and former Representative Gejdenson, for their leadership in championing the rights of trafficking victims, for seeking the input of non-governmental organizations, and for understanding that this is a global problem that also must be fought here at home.

As the first and only organization exclusively dedicated to assisting victims of trafficking in the domestic context, the Coalition to Abolish Slavery & Trafficking, CAST, has served over 100 victims since 1998. Through CAST’s program victims receive access to food and shelter, health and mental health services, ESL, job readiness, legal and immigration assistance, life skills training, and human rights education.

Although the Victims of Trafficking and Violence Protection Act is a great leap forward, there are many victims who remain in desperate situations. I hope that the following real stories of victims will illustrate the challenges ahead.

One of our clients is a Bangladeshi woman who finally managed to escape from her traffickers after more than 5 years of continuous physical assaults. Her unwavering desire for justice made possible the conviction of her traffickers. However, before the trial, the traffickers tried to intimidate her by sending thugs to beat her brother, burn down their house, and threaten her family. Her family members continue to be harassed today.

If a victim is asked to help convict these criminals here in the United States, is she not owed some assurance that her family back home will be safe from reprisals? In this case, the other convicted trafficker will be released from prison soon and deported. What will prevent deported traffickers from searching out the victim’s family members and taking revenge? How can our govern-

ment work with other governments to ensure the safety of victims' families? If their safety cannot be ensured, could a provision be made to reunite them with the victims here in the United States?

Another one of our victims is an Indonesian woman who had been enslaved as a domestic worker for over half of her life. With a strong desire for justice, she reported her story to the authorities. She was interviewed several times and was even asked to help gather more evidence. However, 6 months have passed and she is still waiting for the FBI to call her again. Opportunities to gather critical evidence are disappearing.

The next story is about an Indian woman whose case never went to trial. Although from the beginning this woman wanted to return home, the agents and prosecutors insisted on keeping her here to assist in the investigation. After more than 1 year of living in homeless shelters where no one spoke her language, the victim was anguished to find out that no one was to be indicted. She never received any of the wages owed to her, and she returned to India with essentially nothing. There was no government provision to assist even in her repatriation.

The problems in these cases stem from, one, a lack of training for agents and Assistant U.S. attorneys; two, a lack of sensitivity to victim issues and an emphasis on a law enforcement goal rather than a prioritization of the victim's welfare; and three, a lack of interagency coordination. For example, why was the Department of Labor not called in to obtain back wages for these victims? What is needed is more manpower, training that emphasizes responsiveness to victims' needs, and a willingness on the part of investigators, prosecutors and their supervisors to conduct cases in a timely manner.

Even in a successful case where restitution for victims is ordered, it is unclear whether victims will ever receive any money because restitution is not paid until after the traffickers get out of prison. As sentences increase under the new law, it becomes even less likely that they will ever see any of their back wages. This is another area where coordination between the Department of Justice and the Department of Labor could ensure meaningful outcomes for victims.

Many of the victims CAST has been assisting have had to wait for months to receive a status or work authorization from the INS even after they have testified in a successful involuntary servitude case. Victims are usually not notified of their status, not given any documents, and not told where they are in the process. Even INS agents themselves tell us they do not know why one victim was able to receive a work permit while another waits in limbo. In the new certification process, victims should be given an explanation about the entire process and what their status is when they receive it. Communication about their legal situation is an important way for victims to feel a sense of participation and control over their lives.

This lack of consistency is especially extreme for victims in so-called retroactive cases, those cases that came to light before the law was passed. Several of CAST's clients, who had previously been given work authorization, are now in limbo again because their case was successfully prosecuted but their work authorization ex-

pired before the T-visa regulations were released. In one case, a victim lost her job when this happened and she is now again in crisis. For a formerly enslaved person, lack of certification and work authorization means a return to the vulnerable state of only being able to work in exploitative and underground employment. Victims are often just as vulnerable to exploitation after they escape from slavery as before.

Thank you.

[The prepared statement of Ms. Cho follows:]

PREPARED STATEMENT OF HAE JUNG CHO, COALITION TO ABOLISH SLAVERY & TRAFFICKING (CAST)

First I would like to thank Senators Wellstone and Brownback (and Representative Chris Smith and former Representative Gejdenson) for their leadership in championing the rights of victims of trafficking, for seeking the input of nongovernmental organizations and for understanding that this is a global problem that also must be fought here at home. I am also heartened that the new Administration, especially Attorney General Ashcroft, has also shown an interest in moving forward on this important human rights issue.

As the first and only organization exclusively dedicated to serving victims of trafficking in the domestic context, the Coalition to Abolish Slavery & Trafficking (CAST) has served over 100 victims since 1998 through intensive and comprehensive case management, information and assistance and information and referral. Through CAST's program, victims receive access to food and shelter, health and mental health services, ESL and job training and referral, legal and immigration assistance, life skills training, human rights education and individual advocacy as they participate as a witness in a federal criminal investigation. It is this direct experience, working to assist trafficked persons on a daily basis with their struggle to gain independence and freedom that informs my testimony today.

Although the Victims of Trafficking and Violence Protection Act is a great leap forward for victim protections, there are many victims who remain in desperate situations. I hope that the following real stories of victims will illustrate the challenges ahead as we seek to evaluate our progress in implementing the Act.

PROTECTION FOR THE FAMILIES OF VICTIMS

The first young woman I will speak of is from Bangladesh, who finally managed to escape from her employers after more than five years of continuous physical assaults and abuse. Her courageous and unwavering desire for justice made possible the conviction of her traffickers, one with an eleven-year sentence. Before the trial, the traffickers tried to intimidate her by sending thugs to beat her brother, burn down their house and threaten her family. The house was saved, but family members continue to be harassed to this day and live in fear of the associates of the traffickers. The victim has been ostracized from the Bangladeshi community here in the U.S. and has been maligned by the traffickers in the press of her home country and in the ethnic press here.

If a victim in the United States is asked to help convict criminal traffickers in the name of justice, isn't she owed some assurance that her family back in her home country will be safe from reprisals? In this case, the other convicted trafficker will be released from prison soon and then deported. What will prevent deported traffickers from searching out the victim's family members and exacting revenge, especially in places where the traffickers have influence and power and the victims likely none? How can our government work with other governments to ensure the safety of victim's families? And if their safety cannot be ensured in their home country, could a provision be made to reunite them with the victims here in the United States?

NEED FOR RESOURCES, MANPOWER AND TRAINING FOR INVESTIGATORS AND PROSECUTORS

The next stories I will tell point to the lack of resources, manpower and training to move forward the investigation and prosecution of these cases. One of our clients is a woman from Indonesia who had been enslaved for over half of her life and was never paid for her labor. She also came to CAST with a strong desire for justice. We helped her to report her story to the authorities. At first, the FBI interviewed the victim thoroughly and asked her to help them gather more evidence. However,

six months have passed, and she is still waiting for the FBI to call her to set up the consensual monitoring. Opportunities to gather evidence continue to disappear. This victim had also reported that this family had another domestic worker in another house. We do not know whether that woman is still in that situation.

The next story is about a woman from India whose case never went to trial. Although, from the beginning, this woman wanted to return home to her daughter and grandchildren, the agents and prosecutors insisted on keeping her here to assist in the investigation. They were even opposed to moving her to a shelter in another city where the staff spoke her language and shared her culture because it might have interfered with the investigation. This victim was initially interviewed several times. Then there were no developments for many months. After more than one year, a year of living in homeless shelters where no one spoke her language, the prosecutors decided that they would not pursue a prosecution. No one was ever indicted, even on harboring or smuggling charges. She never received any of the wages owed to her, and she returned to India with essentially nothing. There was no government provision to assist in her repatriation.

The problems in this case stem from (1) a lack of training for agents and assistant U.S. attorneys on how to investigate and prosecute trafficking cases, (2) a lack of sensitivity to victim issues and an emphasis on the law enforcement goal rather than a prioritization of the victim's welfare and (3) a lack of interagency coordination. For example, why wasn't the Department of Labor called in to at least file a wage claim for the victim? What is needed is more manpower, training that emphasizes responsiveness to victim's needs, a willingness on the part of investigators and prosecutors to prioritize these cases so that they will be conducted in a timely manner and, finally, institutionalization of expertise. We have too many times seen good agents and prosecutors promoted or moved just as they were becoming experts in this highly specialized area. Their replacements come with no training, background or experience and must learn by doing.

#### LACK OF CONSISTENCY IN IMPLEMENTING VICTIM BENEFITS

Many of the victims CAST has been assisting have had to wait for months to receive a status or a work permit from the INS, even after they have testified in a successful involuntary servitude case. Victims are usually not notified of their status, not given documents and not told where they are in the process. There is no transparency and no accountability. Even INS agents themselves tell us they don't know why one victim was able to receive a work permit while another waits in limbo. In the new "certification" process created by the Victims of Trafficking and Violence Protection Act, there should be a formal notification process so that victims can understand what the process is, when they move from one stage to another and what their exact status is when they receive it. Communication about their legal situation is an important way for victims to feel a sense of participation and control over their lives.

This lack of consistency is especially extreme for victims in so-called "retroactive" cases—those cases that came to light before the law was passed in October 2000. Several of CAST's clients, who had previously been given work authorization, are now in limbo again because their case was successfully prosecuted but their work permits expired before the T visa regulations were released. In one case, a victim lost her job when this happened, and she is now again in crisis. These victims are falling through the cracks because the new "continued presence" process does not apply to those whose cases have already been prosecuted, and it seems that they must wait several months while their T visa applications get prepared, filed and processed. For a victim of slavery with no savings, the lack of valid work authorization means a return to the vulnerable state of only being able to work in exploitative and underground employment.

One final note about victim benefits. The Office for Refugee Resettlement must be commended for its organizational will to provide services to a completely new population. However, refugee programs are limited in the ways that they can help trafficking victims because they were created for a different population. Refugees have cut ties to their homeland and arrive in the U.S. eager to start new lives. They often join relatives or a larger community. Trafficking victims, just released from the isolation of a slavery-like situation, are bewildered and face an uncertain present and future. Victims need time to adjust to their new situation and time to participate in an ongoing investigation and prosecution. Usually their housing situation is unstable as they move from Good Samaritan to emergency shelter to transitional shelter to perhaps other housing situations. The ORR matching grant program that aims to place victims in a job within four months will not be successful for the majority of trafficking victims who lack basic English and other competitive

job skills. Victims will often fall into jobs that are again in informal industries that do not pay minimum wage.

The most disturbing case in point is the situation of the victims from the American Samoa garment factory or Daewoosa case. Although the roughly 200 victims were certified and mostly did receive the refugee cash assistance, food stamps and medi-care coverage they were entitled to, there have been reports that many of these victims are in a precarious state. Some victims have been handing over their food stamps and cash assistance as payment for room and board. In addition, some have accepted below minimum wage garment factory jobs in order to make money to pay back their sponsors for the plane fare from American Samoa. This scenario is much too reminiscent of their situation at the Daewoosa factory. This is the unfortunate result when victims are forced to fend for themselves before they have been given the resources to be able to build an independent life.

Victims are often just as vulnerable to exploitation after they escape from slavery as before.

Senator WELLSTONE. Well, I want to thank all of you.

I want to also point out that Ambassador Ely-Raphel stayed to listen to your testimony, and I want to thank Ambassador Ely-Raphel for doing so. I think sometimes people come in, testify pro forma, and leave, and I would like to thank you for that, Ambassador Ely-Raphel.

Let me not do this in any particular order. Hae Jung Cho, let me ask you this. The examples that you were giving—you know, I was talking about agency coordination, but I was talking about like in Washington bringing everyone together. It sounds like what you are saying is that on the ground where this is happening, that is where you are not getting the agency coordination. At least from the examples you gave, clearly INS, Labor, Justice just are not in sync. Is that correct?

Ms. CHO. We would have to say that on the ground, the agents that we are working with are usually very dedicated. Sometimes they have a lack of training. At the bottom and also, of course, here at the top, there is an emphasis on coordination, but somewhere in the middle it seems to have gotten lost, the supervisors of the ground-level agents, the district directors—

Senator WELLSTONE. This is an important distinction that you are making. You have got people who are so dedicated that you are working with, but then when it comes to actually the agencies being able to follow through with what needs to be done to make sure a woman is not without work, somehow in the middle it does not happen. Is that what you are saying?

Ms. CHO. Yes. We have had cases where INS agents made reauthorization requests for trafficking victims for work permits and those requests were not approved.

Senator WELLSTONE. I can also in my own way talk to Commissioner Ziegler about this.

Your testimony just proves again the importance of the NGOs, and the work that you all do is, I think, so critical to informing all of us.

I do not know if you mentioned this or not. Are the incidents of trafficking in the Los Angeles area increasing or decreasing, or do you have any sense of that? And why to however you answer it.

Ms. CHO. We feel that trafficking is a huge problem in the Los Angeles area. We have no way to know whether the overall incidence is increasing or decreasing. What I can say that in 2001, we seemed to, in the spring of the year, see an increase in cases that

were referred to us and then, as Ann Jordan mentioned, there was a decrease in referrals from law enforcement agencies. Recently we have started to see an increase of referrals once again, but actually through the local community. I think our outreach efforts have resulted in Good Samaritans and other community organizations bringing victims to us after they have escaped.

Senator WELLSTONE. And then with the law and with justice, it may be a question of the whole question of homeland defense and war on terrorism.

Ms. CHO. Yes.

Senator WELLSTONE. See, that is one of the questions we also want to get to. I think ultimately I would want to know, and I think Senator Brownback would too, from everyone whether or not—if ultimately we need to look at more resources and more women and manpower to do the job, then we ought to step forward with that request and push it as hard as we can. That may be part of what we are talking about. Unfortunately, this is no small issue. No small issue at all.

Ms. Jordan, can I ask you? On the whole issue of private contractors and involved in trafficking or what you described as rape, I think is the way you put it, what is the record of DynCorp?

Ms. JORDAN. I know that there has been a lot of criticism of DynCorp, and I will just say as for peacekeeping, I have a binder here full of cases on problems with peacekeeping. And DynCorp is involved in Bosnia with hiring the Americans who serve there on the International Police Task Force. I met the head of the U.N. mission there, Jacque Klein, and I met also with the head of the IPTF, the commissioner, and the woman who runs the stop team. This is a team that goes out and raids the clubs. They have told me that DynCorp for them is a real problem, or this whole system is a real problem for them because they give the example of the French. They will send their national gendarmerie over there, and they are in a command position. They are controlled. They are under a military structure and they suffer consequences if they misbehave or get involved in anything criminal.

Whereas, DynCorp has no such system. These men are hired. Many of them are retired. They go over there. They get paid \$100,000 a year. Jacque Klein told me they only give them 3 days' training when they get there. All he tells them is that we know that you think you are going to have fun over here, but if you get caught going to clubs, you are going to get sent home. But that is the only consequence that is paid. At that point, they send a report back to the U.N. The U.N.—for the United States—then would send it back to the State Department and the State Department would decide whether to send it to Justice. So, basically they just get sent home. And I could not find out from him of anyone who had ever been prosecuted in any country for this kind of problem, but it is much worse when you have a company like DynCorp because there is no control.

Senator WELLSTONE. I think we have heard some of the reports from Colombia as well. It might be worth taking some time for me and others to meet directly with DynCorp and ask them, in light of this, what they do intend to do.

Ms. Smolenski, we really in a way already focused in on a lot of what you said. We had a hearing this morning where we were talking about two protocols, one on child soldiers and the other was on the sale of children, child prostitution, and child pornography, which certainly ties into what this hearing has been about. I think that the Senate has not yet ratified the protocols. I think we are going to. It looks very good. I thought it was a good day because I think we are all in agreement and I think it is coming out of the Foreign Relations Committee. Do you think the protocol will be at all helpful?

Ms. SMOLENSKI. Yes, it will definitely be helpful, and especially since it calls attention to the U.N. Convention on the Rights of the Child in general, which is a very powerful human rights convention. But the optional protocol does go much further than the original convention on detailing how children can be protected, and we absolutely support ratification of it.

Senator, may I followup on something that Ann Jordan said about DynCorp?

Senator WELLSTONE. If I say no, what would you then do?

Ms. SMOLENSKI. I will obediently close my mouth.

Senator WELLSTONE. I do not believe that for a moment.

I would never say no.

Ms. SMOLENSKI. I am not kidding, but I would come up to you afterwards.

Senator WELLSTONE. If I did say no, I would hope you would ignore that. Yes.

Ms. SMOLENSKI. I just wanted to say that ECPAT-USA has formed a coalition of groups to try to deal with the U.S. military problem of child prostitution because it is known that wherever there is a U.S. military facility and it is not just U.S. military, but since we are at ECPAT-USA, we work on U.S. military facilities. There is an increase in child prostitution in that area. There are lots of things that the U.S. Defense Department could do, and we met with them and said they could do these things. Basically, they said, well, we are not going to do those and that was that. So, I just wanted to call your attention to the problem and that we have suggestions for what they could do, and I am wondering if you might help us move them to another level.

Senator WELLSTONE. You are just suggesting another easy issue for us to get involved with.

Ms. SMOLENSKI. It should not cost that much money, though.

Senator WELLSTONE. I would be very interested in your giving us your best ideas.

I probably should not say this in a formal hearing, but especially some of what you were saying, Ms. Smolenski, I was thinking—no self-righteousness intended. I was trying to figure out what the problem is with men. I should not say this as part of the hearing.

I am very serious about this. I just cannot quite understand this. I do not think we are going to have a hearing about the state of men.

Some of you traveled a long way, and I think we are going to stay in very close touch. I am hoping sometime to come to Los Angeles and maybe do some work with you there. I think we made a good start a year ago, and I think everybody who testified today,



across the board, is committed to really doing our level best. I think my job is to be pushy and to really keep pushing hard, and I think Senator Brownback feels the same way. I think this was a very, very important hearing. I would like to thank everyone for coming. Thank you for your interest. Thank you for your commitment. Thank you for your work.

And the subcommittee is adjourned.

[Whereupon, at 4:49 p.m., the subcommittee was adjourned.]

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#### ADDITIONAL STATEMENTS SUBMITTED FOR THE RECORD

##### PREPARED STATEMENT OF THERESA LOAR, PRESIDENT, VITAL VOICES GLOBAL PARTNERSHIP

I want to thank the Senators for the opportunity to provide testimony about the implementation of the legislation to combat trafficking and protect trafficking victims that would not have been possible without your strong leadership. I wish to acknowledge Senators Wellstone's and Brownback's continued commitment to ensure that this issue does not get lost among the many important issues facing our country at this time.

We have moved into a new and critical time for the United States anti-trafficking work. It is a time of expectations heightened by the promise of the world's most comprehensive and potentially powerful law against trafficking. In the previous period—the one leading up to the passage of the Trafficking Victims Protection Act of 2000—I had the honor of being the Director of the President's Interagency Council on Women, the office that for many years led the coordination of the Executive Branch's efforts to combat trafficking in persons. We worked closely with Congress, with the Departments of State, Justice, Labor, and Health and Human Services, with nongovernmental and international organizations in the U.S. and in many regions of the world. I am proud of our shared accomplishments during that period to get trafficking on the U.S. and world agenda.

Due to the leadership of Senators Brownback and Wellstone, and Representative Chris Smith in the House, the United States has a law to protect trafficking victims and to prosecute trafficking. This now presents both opportunity and responsibility.

Our responsibility will be met by prosecuting traffickers in numbers significant enough not only to punish but to deter, finding and assisting enslaved victims in numbers that are defensible compared to the estimated thousands of new trafficking victims in the U.S. each year, and preventing mothers, fathers, sisters, brothers, daughters and sons around the world from being trafficked in the first instance.

After almost a year and a half, some aspects of legislative implementation are progressing. Secretary Colin Powell recently convened the first meeting of the Cabinet-level Task Force. We look forward to working closely with the Secretary and Ambassador Nancy Ely-Raphel, the head of the Office to Combat and Monitor Trafficking, to make real progress in the fight against this tragic human rights abuse, growing health threat, and global criminal activity.

In several cities, such as Chicago and New York, service providers are beginning to assess what local capacity exists to provide services to victims of trafficking. However, we are aware of no Department of Justice funding to service providers resulting from the legislation as contemplated by section 107(B)(2). This does not portend well for the prospects of trafficking victims in our country (as well as the prospects of identifying witnesses for prosecution). This also is hard to understand given the real commitment to this issue exhibited so far by the Attorney General.

I am hopeful that the T-visa will become a cornerstone permitting the humane treatment of trafficking victims and increasing the likelihood that victims will help prosecute their traffickers. I am concerned however that the new regulations may be unworkable in the real world context. Does the process make sense for a teenager, for example, who has endured years of treatment tantamount to torture and recently escaped enslavement by her captors. Did the Senators intend that such a victim endure a complex application process and be charged application fees (which purport to be waivable). Is it possible that the process has been made sufficiently difficult for these victims of crime that they will not reach out for help?

We are confident that if provided adequate resources the Trafficking in Persons and Worker Exploitation Task Force, co-chaired by the Departments of Justice and Labor, will continue to lead the United States' commitment to prosecuting cases while not further victimizing those who have escaped the traffickers. There is great

motivation and commitment among the prosecutors in the Civil Rights Division to expand their skilled prosecution of traffickers. But more prosecutors dedicated to trafficking cases are needed.

On their face, these may appear to be domestic elements of the global fight against trafficking. However with trafficking the domestic and international are intertwined. For example, when U.S. officials go to a country of origin to participate in anti-trafficking training or to speak at a conference, one of the first questions that arise concerns whether we have prosecuted any traffickers in the U.S. from that country. As long as this is answered in the negative, we have less chance of convincing other countries of our seriousness in confronting this problem.

Let me propose a straightforward, but I believe critical, way to gauge meaningful progress of implementation of the legislation. Congressional hearings in the future on this subject should ask for the status of the following: 1) how many traffickers have been prosecuted and jailed for terms commensurate with the heinousness of the crime; 2) how many victims have been identified, rescued and assisted; and 3) what are the measurable results of prevention projects in countries of origin. These are the core questions that must frame the discussion in the future.

We have rough baselines to start from today. The Department of Justice, for example, knows the number of investigations underway and prosecutions of traffickers undertaken. It knows how many victims it is working with and the Department of Health and Human Services knows how many victims have been certified. NGOs around the country should be encouraged to tabulate the victims and document their stories that they assist (even if those victims for whatever reasons choose not to seek help from the justice system).

The effectiveness of the international programs sponsored by the U.S. government should be measured in much the same way. Taking account of the specific circumstances we find in each country we engage, we should ask how specifically do our trainings, cooperative arrangements, conferences, and meetings result in advancing these objectives in measurable ways. Nearly every country of the world has in one way or another, by signing the U.N. Protocol or through other means, expressed an official position that trafficking is an intolerable human rights violation and crime. The projects that our government undertakes must now assist these countries achieve the practical results that reflect that view.

We have a long way to go. We know this because there is another baseline that these numbers should be compared against: Up to 50,000 new victims are enslaved in the United States by trafficking every year; more than one million around the world. We must not lose the momentum in the fight against this heinous crime. We are making progress, but it is too early to tell whether our commitment to practical results that prosecute traffickers and assist victims will match the promise of the powerful tools contained in this legislation.

Vital Voices is working to fulfill the promise of this new law in two important ways, by raising awareness of the issue in the United States and around the world and by training and empowering women in countries stricken by trafficking to fight this human rights abuse in their own country.

To raise awareness, we are launching public service announcements developed by the Office of United Nations Drug Control and Crime Prevention for use in the U.S. Vital Voices is currently working to tag these award-winning public service announcements with a call to action to abolish this modern-day slavery here in the U.S. and globally. Additionally, we are publishing a regular newsletter via e-mail and on line to over 2000 representatives of governments, nongovernmental organizations and international institutions. Our goal is to promote effective partnerships between government officials and NGOs across the nation and around the world to fight trafficking in persons.

In collaboration with Georgetown University, the Vital Voices Global Leadership Institute is training emerging women leaders to fight trafficking on the ground in source, destination and transit countries in the areas of prevention, protection and prosecution.

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PREPARED STATEMENT OF EUGENE SCALIA, SOLICITOR OF LABOR, U.S. DEPARTMENT OF LABOR

I am submitting this statement on behalf of the Department of Labor in connection with the Subcommittee's March 7 hearing on the Trafficking Victims Protection Act of 2000 (TVPA).

The Department of Labor has a strong commitment to the objectives of the Act, and I am pleased to describe the measures we have taken, and plan to take, to com-

bat trafficking in persons. Secretary Chao considers effective implementation of the TVPA to be an important departmental objective.

It should be stated at the outset that Congress is to be applauded for passing this groundbreaking legislation with overwhelming bipartisan support in 2000. This is the first comprehensive law in the United States designed to stop trafficking in persons. Congress adopted a three-prong approach—prevention; protection and assistance; and prosecution—because it recognized that trafficking is a multi-dimensional problem. We will not be fully effective if we increase our prosecution effort here in the United States without attempting to stop trafficking where it originates—often overseas—and without endeavoring to protect and assist the victims.

As Congress recognized in its findings, trafficking in persons is not limited to prostitution. Rather, “[t]his growing transnational crime also includes forced labor and involves significant violations of labor, public health, and human rights standards worldwide.” Thus, from the Department of Labor’s perspective, trafficking is not only a moral and human rights problem, it is also a serious workplace issue. Far too many trafficking victims are working in the fields and factories of this country, suffering under exploitative labor practices. Too often, these victims are forced to work against their will through violence, threats of violence, and other forms of coercion. Typically, they work very long hours without receiving lawful pay, and often work, live and are transported in unsafe conditions. These practices not only harm the victimized workers, but also permit the abusive employers to gain an unfair competitive advantage over the vast majority of law-abiding employers. Regardless how simple or how sophisticated trafficking enterprises may be, they all deny the essential humanity of their victims.

Department of Labor agencies have important roles to play in implementing each of the three prongs of the TVPA’s anti-trafficking strategy. The agencies receive direction, and support, from the highest levels of the Department. Just three weeks ago Secretary Chao met with the Secretary of State, Attorney General, National Security Advisor, and other senior administrators to discuss implementation of the Act. Two days ago, I attended a meeting of a senior interagency policy group that has been charged with developing a comprehensive plan to address trafficking in persons. We intend to use the authority and resources that we have at the Labor Department to deter domestic and international trafficking and bring its perpetrators to justice, while also providing available departmental services to the victims so that they may work productively, and with dignity, in the future.

With regard to the *prevention* prong of the Act, the Department’s Bureau of International Labor Affairs (ILAB) has initiated a number of projects to combat trafficking in persons in the countries of origin, and in transit. These projects enhance international compliance, help countries avoid sanctions under the TWA, and are intended not only to help trafficking victims, but more importantly, to prevent women and children from being trafficked in the first place. In short, through ILAB’s efforts overseas, we aim to help stop this problem at its source.

ILAB has negotiated a \$1.2 million cooperative agreement with the International Research and Exchanges Board (IREX), a non-governmental organization, to conduct a two-year anti-trafficking project in Eastern Europe. Started in November 2001, this program aims to prevent the trafficking of women by creating viable economic alternatives for at-risk women in seven major cities. IREX will develop training and empowerment centers with existing women’s organizations to train 13,500 women and provide support services to 5,800 women annually. Specifically, this program’s activities will include providing marketable job skills to at-risk women and girls, providing job placement services to those who have been trained, conducting outreach activities to raise awareness among women and girls, identifying legal aid and psychological support services, and promoting entrepreneurship.

ILAB also supports projects to combat trafficking in children for exploitative labor through the International Labor Organization’s International Program on the Elimination of Child Labor (ILO-IPEC). ILAB has supported projects to address child trafficking in 17 countries in West and Central Africa, Southeast Asia, South Asia and South America. These projects rescue children from trafficking and exploitative work situations, and provide them with rehabilitation services and educational opportunities, as well as undertaking efforts to prevent children from being trafficked in the first place. ILAB currently is supporting programs through IPEC to combat trafficking of children in South Asia (Bangladesh, Nepal and Sri Lanka), and in West and Central Africa (Benin, Burkina Faso, Cameroon, Gabon, Ghana, Cote d’Ivoire, Mali, Nigeria and Togo). In addition, ILAB is supporting comprehensive, national “Timebound Programs,” through IPEC, to eliminate the worst forms of child labor in Nepal, Tanzania and El Salvador. ILO Convention 182 identifies trafficking of children as one of the worst forms of child labor, and as such, children

who are victims of trafficking will receive priority attention in each of these three countries.

While the Department is extensively involved in preventing trafficking overseas, we recognize that we have a special obligation to help trafficking victims within our own borders. Thus, with regard to the *protection and assistance* prong of the TVPA, the Department's Employment and Training Administration (ETA) takes very seriously its obligation when providing services to treat victims of severe forms of trafficking as refugees, without regard to their immigration status. We expect the services provided at One-Stop Career Centers, such as job search assistance, career counseling and occupational skills training, to benefit trafficked individuals. The Job Corps program also may provide useful job training opportunities for victims.

We also intend to work alongside other federal agencies to make victims aware of the services available to them. To this end, the Department's Women's Bureau prepared a publication entitled "Trafficking in Persons: A Guide for Nongovernmental Organizations," in collaboration with the Department's Wage and Hour Division, the Employment and Training Administration, and components of the Departments of Justice, Health and Human Services, and State. The publication is intended to provide NGOs with information about federal laws that prohibit trafficking in persons and the services and benefits that victims may receive.

Finally, to carry out the *prosecution* prong of the TVPA, we have redoubled our efforts to root out abusive labor practices in this country. The Department's Wage and Hour Division, supported by the Solicitor's Office, has increased its emphasis on compliance with labor standards laws, such as the Fair Labor Standards Act (FLSA) and the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), in low-wage industries such as garment manufacturing and agriculture. These industries often include a substantial concentration of undocumented, and sometimes trafficked, workers.

Wage and Hour investigators are in workplaces everyday, and often are the first government authorities to witness exploitative conditions and talk to victims. Through the Trafficking in Persons and Worker Exploitation Task Force, which I co-chair with Assistant Attorney General Boyd, and under the TVPA, Wage and Hour closely coordinates investigations of egregious workplace conditions with the Department of Justice. Most relevant for today's hearing, Wage and Hour and the Solicitor's Office have assisted the Department of Justice's ongoing prosecution of the owner of a garment sweatshop in American Samoa, the first criminal prosecution under the TVPA. At the Department, our Office of the Inspector General has participated in several investigations with the Task Force, and we also have taken recent steps to enlist OSHA inspectors in identifying workplace exploitation of trafficking victims.

As the Solicitor of Labor, I intend to build on our notable successes in prosecuting trafficking and worker abuse cases. The following are examples of recent cases in which the Labor Department played a significant role, balancing the special needs of trafficking victims with swift punishment for traffickers:

- In 1999, three defendants were convicted of slavery and immigration violations arising from their use of threats of force to enslave Mexican farm workers in the agricultural fields of southern Florida. The lead defendant received a three-year prison term. The victims received legal status and are working in Florida, where they participate in a farm worker advocacy group.
- In 2000, the federal government obtained convictions against four garment shop owners in Manhattan's Chinatown for lying to Wage and Hour investigators. The Department's Inspector General's Office also played an important role in this matter. The garment manufacturers, who engaged in widespread wage violations and kept several sets of records to deceive investigators, were assessed criminal fines, ordered to pay back wages as restitution, and given probation.
- In 2000, two garment companies based in the Commonwealth of the Northern Mariana Islands were ordered to each pay a fine of \$100,000 and to serve five years probation after pleading guilty to criminal contempt charges for violating a consent judgment that ordered them to pay legally-required wages to their employees. A Wage and Hour investigation had discovered that the companies had underpaid 336 workers by almost \$1 million, after previously underpaying their workers by \$560,000.
- In the last several years, four notorious farm labor contractors in the Southeastern United States who exploited farm workers were convicted under various criminal provisions. Most recently, in 2001, a Florida farm labor contractor was sentenced to four years in prison after pleading guilty to charges that he used insurmountable debts for cocaine, beer and cigarettes, as well as threats and violence, to enslave field workers.

In conclusion, we at the Department of Labor thank the Members of Congress for providing us the tools we need to combat the scourge of trafficking in persons, and commit the Labor Department to working with our sister agencies to eradicate this problem.

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PREPARED STATEMENT OF EQUALITY NOW, NEW YORK, NY

Equality Now is an international human rights organization based in New York dedicated to the protection of the rights of girls and women. It currently has over 20,000 members in its Women's Action Network from more than 100 countries. Equality Now would like to express its thanks to the Senate Foreign Relations Committee for the opportunity to present a statement on sex tourism to this hearing.

Among issues of concern to Equality Now are the trafficking of girls and women and the practice of sex tourism. Of particular interest to us is the connection between these two activities, which are responsible for the death, disease and deprivation of tens of thousands of girls and women every year. Sex tourism from the United States is a thriving business. Big Apple Oriental Tours of Bellerose, New York, for example transports men to the Philippines and Thailand and once there guides them to bars and brothels where sex can be purchased from local girls and women. Although Big Apple and other sex tour operators officially deny that they arrange for sex between their customers and underage girls, interviews by their operatives with various journalists have revealed a different story. In a 1993 broadcast report, the television news program *Inside Edition* recorded Big Apple tour guide Louis Schonberger promising an undercover reporter that sex with 15 and 16 year-old girls could be arranged for Big Apple customers. In a March 1998 interview with the *Associated Press*, Norman Barabash, an owner of Big Apple Oriental Tours, responded to a question concerning the age of the girls that his company arranged for his customers by stating "There is no way of knowing for certain. Short of giving them lie detector tests who can tell?"

Despite more than five years of campaigning for the prosecution of Big Apple Oriental Tours by Equality Now and other human rights organizations in the United States and abroad, that company still brazenly conducts its tours without fear of criminal sanction. Equality Now's efforts in seeking the prosecution of Big Apple Oriental Tours and other sex tour companies have met with the same response from numerous federal, state and local prosecutors. While agreeing that sex tourism is abhorrent, the prosecutors felt generally that current legislation is inadequate to pursue a successful prosecution. Although Equality Now believes that certain state legislation could be used to prosecute sex tourism, strong unequivocal federal legislation criminalizing sex tourism would both send a hard-hitting message to sex tour operators that sex tourism from the United States is unacceptable, and would also provide an invaluable tool against those who persist in promoting the practice. We urge you therefore to amend the current statutes to provide prosecutors with the laws that they need to stop the activities of sex tour operators.

Comprehensive legislation will need to consider the following facts about sex tourism: A large number of the women who work in the bars and brothels in sex tour destinations are actually 14, 15 or 16 years of age. However these girls are able to obtain necessary identifications indicating that they are of legal age through the connivance of corrupt local officials, politicians, pimps, police officers and traffickers. These false identifications enable Big Apple Oriental Tours and other sex tour operators to plausibly deny that their customers have sex with underage girls. Tackling corruption in the hugely profitable trafficking industry overnight is a mammoth task. One simple way of protecting underage girls from abuse and exploitation irrespective of any identity cards they might hold would be to amend the laws in the United States, to make liable to prosecution any individual who commits an act that would constitute a sex crime in the United States. Only in this manner can those individuals having sex with underage girls with false identifications be sure of falling within the prohibition of the legislation.

It must also be taken into account that sex tour operators attempt to hide their illicit activities behind otherwise legitimate activities. The brochure and web site of Big Apple Oriental Tours promises its customers access to a range of activities including military history tours, golf, barbecues and even museums. Sex tour operators also hide behind the same excuse offered by escort services and pimps everywhere: that they only make introductions and that anything that follows is not their responsibility. Thus, they are able to deny actual "knowledge" of precisely what their customers do. To avoid the difficulty in proving actual knowledge by sex tour operators of what their customers do, statutes should be amended to provide a more reasonable standard. We recommend and urge that any statutory amendment di-

rected to the practice of sex tourism only require that sex tour operators “knew or should have known” of the conduct of their customers. For example, Big Apple Oriental Tours engages in a range of activities that could be used to establish that they should have known what their customers were doing. These activities include reports made to them by previous customers of use of prostitutes, introduction by Big Apple tour guides to bars that permit the purchase of sex from the girls working there, and actual negotiation of the price and nature of the sex act by Big Apple’s tour guide with the girl’s *mamasan* (the woman who acts as a pimp for the girls).

We strongly encourage you to make any new or amended legislation very broad in scope. Practices that would be untenable in this country are woefully unregulated by the United States when perpetrated by its citizens abroad. Done mostly via the internet, hundreds of companies offer to take men to a variety of countries for the purpose of introducing them to prospective wives. These companies are not required to compile or maintain any information about their customers or the prospective brides. Therefore, introductions can be made to individuals with criminal records, histories of violence or any type of sexually transmittable disease and such information would be unavailable to the other party to the introduction. A 1999 investigation by Equality Now contacted more than 70 companies offering introductions for the purpose of marriage on the internet. Our investigator, posing as a potential customer, claimed to have a history of domestic violence and large child support and alimony payments and asked if these facts would disqualify him from using the companies’ services. Only three of the responding companies said that it would. One respondent described the lack of regulation of this industry by stating “The (United States) government doesn’t care if you’re Jack the Ripper.”

Sex tour operators officially deny that they are such. By requiring all business entities (whether incorporated or not) or other associations that enable the introduction of United States citizens or residents to foreign nationals, in the foreign national’s home country, to keep adequate records of the people using the services offered (which would be open to legitimate inspection by the appropriate regulating authorities), properly targeted United States legislation would discourage all but genuine introduction agencies as well as going some way to afford protection to those using the service. An added benefit to such a record-keeping requirement would be to provide a degree of needed regulation to the quickly growing “mail order bride” business.

We urge your immediate attention to these inadequacies in current U.S. law. The conduct of sex tourists serves to diminish the respect and affection of foreigners for the United States. Sex tourism presents the worst of the United States. The conduct of relatively wealthy Americans engaging in conduct they would not dare do at home creates an image of Americans as predatory and parasitic. In Costa Rica alone for example, according to ECPAT, Americans account for 80% of arrests involving child sex tourism. The passage of effective laws to address such conduct would not only serve to protect thousands of girls and women who are victimized by sex tour operators and their customers, it would also demonstrate the best of the United States: the protection of the weak and vulnerable and ensuring that they will receive the protection and justice that they deserve. Thank you.

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## RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD

RESPONSES OF HON. PAULA DOBRIANSKY, UNDER SECRETARY OF STATE FOR GLOBAL AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR WELLSTONE

*Question 1.* When do you plan to submit to the Senate for ratification the Trafficking Protocol to the UN Crime Convention against Transnational Organized Crime that the U.S. signed in December 2000?

Answer. The Administration is in the final stage of preparing the transmittal package to request the Senate’s advice and consent to ratification of the Transnational Organized Crime Convention and its supplementary protocols on trafficking in persons and smuggling of migrants.

We will update you as the process moves forward.

*Question 2.* What role do you play in facilitating with other governments the repatriation of trafficking victims to their countries of origin and in providing funding to send victims home? How do you ensure victims who are repatriated receive adequate attention?

Answer. Encouraging other countries to strengthen their capacity to receive and reintegrate victims is a cornerstone of our bilateral engagement. We are working

closely with the Departments of Justice and HHS to strengthen our ties between our efforts to identify and assist victims in the U.S. and our international engagement to ensure safe return. We recently provided to the Department of Justice a list of NGO service providers in various countries that have received U.S. Government antitrafficking assistance and that may be able to assist these victims who are returned from the United States. We provide assistance to a number of groups that assist with repatriation in various countries, so that they can provide victims with assistance in returning home, as well as any medical or psychological care that they may need.

*Question 3.* What have you done to address HIV/AIDS and other sexually transmitted diseases in relation to trafficking? Does the Department of State plan to request more funding than the current 2003 budget proposal of \$200 million for the Global Fund?

*Answer.* The Office to Monitor and Combat Trafficking in Persons recently co-chaired an intra-Departmental meeting with the State Department's Office of International Health Affairs. Representatives of the Office of the Under Secretary of Global Affairs, the Bureaus of Democracy, Human Rights and Labor, and Population, Refugees and Migration also participated. The group is working to identify possible areas of collaboration to address the linkage between HIV/AIDS and other infectious diseases and trafficking. In addition to providing greater emphasis on trafficking and HIV/AIDS issues in programming, the Department also intends to expand successful efforts with other USG agencies, NGOs, and international organizations to promote action on HIV/AIDS and trafficking.

The President's budget proposal of \$200 million in FY 2003 for the Global Fund to Fight AIDS, Tuberculosis and Malaria brings the total U.S. pledge to the Fund to \$500 million. In his March 14, 2002, remarks on global development at the Inter-American Development Bank, the President stated that as the Global Fund finalizes its organization, develops a strategy, and shows success, he would work with Congress to increase the U.S. commitment to the Fund. The United States remains the global leader in the fight against

*Question 4.* In regard to the list of countries not reaching the minimum standards for the elimination of trafficking—the 3rd Tier countries—in the Trafficking in Persons Report, which countries have contacted you since the release of the report in July 2001? How many have asked for assistance to help fight trafficking?

*Answer.* The Trafficking in Persons Report has prompted increased awareness—and, in some cases, action—by a large number of foreign governments on the issue of trafficking in persons. Several countries on the Tier 3 list of the 2001 Trafficking in Persons Report have taken steps towards recognizing or addressing this problem since the report was issued. These countries include Albania, Bosnia and Herzegovina, Gabon, Greece, Indonesia, Israel, Malaysia, Romania, Russia, South Korea, Turkey, and Yugoslavia.

South Korea, for example, has undertaken an intensive effort to remedy the concerns cited in the TIP report. The South Korean government submitted an extensive report ("Current Status of Efforts to Eliminate Trafficking in Persons") in early October detailing various anti-trafficking initiatives in the areas of prosecution, protection, and prevention initiatives. Since October, key Republic of Korea Foreign Ministry officials have met several times with high-level Department principals to seek USG views and to convey their government's determination to improve its record on this issue.

The Romanian Foreign Minister met with U.S. officials in April 2002 to review the Romanian anti-trafficking progress report submitted earlier to the Department of State. Romania has been active in trying to overcome shortcomings noted in the 2001 TIP Report, adopting a law to prevent and combat trafficking in persons, and establishing a National Action Plan against Trafficking. The Romanians also reported that the U.S. trafficking statute served as a source of inspiration for their new law. They also have taken a number of additional steps, including contacting the Romanian Orthodox Church to ask for its help in destigmatizing victims.

Several countries in southeastern Europe have increased or started to take measures aimed at the problem, despite significant resource constraints in some cases.

- The Government of Albania, for example, in close coordination with our embassy, created and passed on December 7, a comprehensive National Action Plan, which charts their course for combating trafficking.
- Bosnia and Herzegovina is forming a strike force to improve coordination and successful prosecution of those who organize and direct human trafficking. HIV/AIDS, dedicating approximately one-third of all international spending against the disease. The President's FY 2003 budget request of \$1.1 billion for the fight against HIV/AIDS is a 53.9% increase over FY 2001.

- In Yugoslavia, the government staffs working groups that specifically address prevention, protection, and prosecution.
- Greece established an Inter-Ministerial Committee to address trafficking in women. In May and June 2001 the Government passed new immigration and organized crime laws that increased protection for women who press charges against their traffickers by allowing them to remain in the country legally and setting aside any previous convictions. Specific anti-trafficking legislation has been drafted. Meanwhile, police and border guards are being trained on detection of trafficked women.

Russia has also cooperated with the U.S. on an Alaska trafficking case involving Russian women. Additionally, the MVD has formed an internal taskforce to determine how best to integrate the trafficking and migration issues into its portfolio.

Indonesia co-sponsored, with Australia, the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali in February, at which the United States participated as an observer.

Israel has significantly increased investigations of traffickers and also has improved protection for victims. Israel recently signed the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Senior representatives from the Israeli embassy and the government met with State Department officials on several occasions to discuss their anti-trafficking efforts and ways to improve their record.

In August 2001, the Turkish National Police sent a circular to provincial police chiefs strongly urging them to use a tough 1999 organized crime law to investigate cases of trafficking. Last month, the Minister of Justice presented a bill to the Council of Ministers making trafficking a crime, with heavier penalties for organized criminal involvement. Previous laws had targeted prostitutes.

In August 2001, the Gabonese Council of Ministers proposed legislation to establish penalties for the trafficking of persons.

Malaysia has increased efforts to stop the flow of mala fide travelers including trafficking victims across its borders since the TIP report was issued. Three inter-agency groups have been formed to address organized crime, illegal migration and border control, all of which address trafficking in persons. The Malaysian government has consulted with U.S. officials in Washington and Kuala Lumpur about efforts to improve its performance in this area.

*Question 5.* How often will the President's Inter-Agency Task Force on Trafficking meet? Have you developed a comprehensive strategy for fighting trafficking? Have you set benchmarks?

*Answer.* We expect that the President's Inter-Agency Task Force on Trafficking in Persons will meet approximately twice a year. The Senior Policy Advisory Group, which I chair, will meet on a regular basis to provide policy oversight of the USG efforts on trafficking in persons, including the implementation of the Act. We are in the process of developing a three-year plan with goals and objectives for the TIP office, as well as an operational plan, timeline, and benchmarks for progress. In terms of a comprehensive strategy at the diplomatic level, we are raising the trafficking issue at senior levels with foreign governments, especially those in Tier 3 of the 2001 Trafficking in Persons Report. At the programmatic level, we are in the process of developing a strategy for targeted countries that have a significant problem of trafficking, have the political will and are eligible for U.S. foreign assistance.

*Question 6.* What is the State Department doing to investigate allegations that some international military and police force personnel have been involved in trafficking and forced prostitution, either as customers, facilitators or principals? Has the State Department ever recommended the prosecution of any military or International Police Task Force members for such involvement? If so, has the Department of Justice prosecuted any of the cases?

*Answer.* We cooperate and work closely with the Department of Defense on alleged incidences of criminal wrongdoing. We refer you to the Department of Defense for specific information on their policies. The Department of State has referred the alleged wrongdoing by U.S. civilian police force personnel to the Department of Justice Criminal Division for review. The Department of Justice should be contacted for information on the status of these cases.

*Question 7.* What is being done to provide training and establish accountability for any U.S. military or police who are implicated in trafficking or forced prostitution?

*Answer.* The State Department gives all U.S. civilian police (CIVPOL) officers a detailed pre-deployment briefing on trafficking. The briefing stresses that the State Department has a "no tolerance policy" with respect to involvement in trafficking



and/or prostitution. Specifically, an officer will be removed from his/her position if any allegations of such activity are substantiated, as will any U.S. officers who knew of the involvement of others and failed to report it. They also will be ineligible for employment in future missions, must pay their own airfare home, forfeit their mission completion bonus, and may be subject to prosecution, either in the mission area or in the United States. All officers sign a letter of agreement before deployment acknowledging that they have been briefed on the issue of trafficking of persons, understand our policy, and are aware of the ramifications for failing to adhere by it.

The State Department has, in a small number of cases in which such problems have arisen, taken action consistent with our policy, including making a referral to the Department of Justice Criminal Division for possible prosecution. We have also repeatedly stressed to the UN in New York and to individual CIVPOL field missions our expectation that the UN will investigate fully even the most minor infractions by any CIVPOL officer and take appropriate disciplinary action.

*Question 8.* Has the State Department conducted any investigations into the alleged involvement in trafficking of the U.S. contingent of international police forces which have been recruited and hired by private contractors rather than the U.S. government directly? If so, what are the results of the investigation?

Answer. The State Department has informed the United Nations—both headquarters and field missions—that we want full and complete investigations done on any and all U.S. CIVPOL personnel alleged to have been involved in trafficking and/or prostitution. We obtain a copy of the UN internal affairs investigative report on these activities and provide this report, any independent findings we have, and a description of the disciplinary action we have taken to the Department of State Office of the Inspector General Office (OIG) for review, and to the Department of Justice Criminal Division for possible prosecution.

The OIG has reviewed several cases in which U.S. officers were dismissed from duty, but only to determine whether the U.S. response was appropriate and to assess whether additional action was called for.

The OIG also conducted an audit related to U.S. support to the UN International Police Task Force (IPTF) in Bosnia. The audit was conducted at the request of the Chairman of the House Subcommittee on National Security, Veterans Affairs and International Relations, Committee on Government reform, based on a May 2001 Washington Post article on reported misconduct and corruption by U.S. police in the program. The audit deals with the adequacy of suitability standards used to screen and select task force officers sent to Bosnia, the number of task force officers sent home for cause or misconduct, and the procurement process used to select a contractor (DynCorp) to provide the police officers. The final report has not been released.

The Office to Monitor and Combat Trafficking leads an interagency working group on this issue to develop and implement our policy on international multinational forces and trafficking in persons.

*Question 9.* Are there presently any plans for the U.S. government to assume responsibility for hiring, training and supervising the U.S. international police contingents?

Answer. There are no plans at this time for such functions to be carried out directly by the U.S. government. For practical reasons, the Department of State retains a contractor to provide these services and functions, which are carried out with guidance from, and direct oversight of, the State Department (Bureau for International Narcotics and Law Enforcement Affairs). The Department is considering the possibility of hiring an internal affairs expert to conduct independent investigations of U.S. CIVPOL misconduct.

The State Department determines U.S. CIVPOL hiring standards and requirements for pre-mission training/preparation, as well as standards for conduct. Each U.S. CIVPOL contingent has a State Department-approved command structure, which along with State Department personnel in the field, monitors the activities of U.S. CIVPOL while deployed in missions. U.S. contingent disciplinary decisions are made based on guidance from the State Department. As personnel are seconded to the UN, the UN also retains operational supervisory authority over all CIVPOL officers deployed in a mission, and may independently discipline officers within the mission for breach of its codes of conduct.

The Office to Monitor and Combat Trafficking has designated a key officer to track and oversee this issue.

RESPONSES OF VIET D. DINH, ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL POLICY, DEPARTMENT OF JUSTICE, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR WELLSTONE

*Question 1.* Which office in the Department of Justice (DOJ), the Office of Victims of Crime (OVC) or the Violence Against Women Office (VAWO), is responsible for moving the money to help trafficking victims in 2002?

Answer. OVC is responsible for administering the \$10 million grant program for victims of trafficking established by the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA). OVC has convened an interagency trafficking task force to develop the program, and VAWO has dedicated three staff members to serve on the three subcommittees that make up this task force. The subcommittees address victim needs, training needs, and the coordination of training, resources and research/evaluation.

*Question 2.* What is the time frame for non-governmental organizations seeking bids on projects to fund direct services to trafficking victims?

Answer. OVC anticipates publication of its solicitation for grant applications to assist victims of trafficking within 90 days.

*Question 3.* Do you have any plans to coordinate a funding strategy with the Office of Refugee Resettlement (ORR), which has also received an appropriation to fund direct services, so that programs are not duplicative?

Answer. OVC is actively coordinating with the key federal agencies involved in human trafficking issues. The most tangible, but by no means the sole, manifestation of such coordination is the establishment of the Interagency Trafficking Task Force on Program Development. The Department of Health and Human Services (HHS) and the Office of Refugee Resettlement (ORR) are included in the Task Force. Additionally, specific subcommittees have been created that focus on (1) Victim Needs; (2) Training Needs; and (3) Coordination of Resources and Research and Evaluation. From these discussions, OVC hears first-hand of the other proposed or actual efforts and programs directed at victims of trafficking.

*Question 4.* What plans does the Immigration and Naturalization Service (INS) have for meeting the statutory requirement to provide facilities that are appropriate and safe for trafficked persons in cases in which no private shelter is available so that victims are not held in INS detention centers or other inappropriate facilities?

Answer. As a matter of general policy, INS does not detain trafficking victims unless individual circumstances or the law require detention. The need to continue custody in order to protect the victim and the victim's desire to remain in custody for protection purposes are taken into consideration when making custody determinations. However, in general, victims of severe forms of trafficking in persons are not required to remain in custody for the sole purpose of protection.

Meeting the housing needs of trafficking victims is one of the greatest challenges faced by the government agencies involved in investigating trafficking cases and providing services to trafficking victims. INS is partnering with other government agencies, such as HHS, and with non-governmental organizations (NGOs) in an effort to meet this need. INS uses a combination of mechanisms to ensure that victims of a severe form of trafficking are not detained in facilities inappropriate to their status as crime victims. Those mechanisms include placement with an NGO, placement through the HHS ORR, and housing victims in private hotels for a short period of time. The decision as to which mechanism is appropriate in any given case depends on the circumstances of the case and the resources available.

In working with other government agencies and NGOs to make housing arrangements for trafficking victims, it has become apparent that there is a critical need for developing resources for immediate non-custodial emergency housing. As a case is developing, it is often unclear whether trafficking is involved, and even after an individual has been identified as a trafficking victim there is a short period of time between identification and HHS certification. It is during that time that INS resources face the greatest challenges. INS would welcome the opportunity to work with Congress to identify emergency housing resources.

*Question 5.* Are there plans to expand the Worker Exploitation and Trafficking hotline to 24-hours, 7-days a week instead of just during business hours? What plans does DOJ have to investigate and prosecute in a timely matter the enormous increase in cases that have come as a result of the hotline?

Answer. The Department believes that the Trafficking in Persons and Worker Exploitation Task Force complaint line is an important tool in our efforts to combat this problem. The Department notes however, that while complaint line activity has increased in recent months, we believe current coverage is adequate. We will con-

tinue to monitor the use of the complaint line and review the hours if there is a demonstrated need to do so. In the meantime, the Department is directing its current resources to ensure adequate attorney staffing in the Civil Rights Division's Criminal Section to handle the increasing caseload.

The Department has seen a significant increase in cases arising not only from calls received through the complaint line but also from other outreach and training efforts. All available resources are being used to investigate and prosecute the new matters expeditiously. The Civil Rights Division is in the process of hiring new attorneys with the FY02 appropriation in order to help handle the growing number of trafficking cases. We will pursue these cases as vigorously as our resources permit.

*Question 6.* What is the INS doing to ensure uniform and consistent implementation of the new T-visa regulations around the country?

INS has centralized processing of all T-visa applications by sending them to the Vermont Service Center (VSC) for adjudication. INS conducted training on the TVTPA, with a special focus on the T nonimmigrant visa, at the VSC in January 2002. This training included presenters from various offices within INS and other key agencies such as the Justice Department's Civil Rights Division and the State Department. This training was provided to all INS adjudicators, who will be processing those applications received by INS, as well as to key management at the VSC and essential contract employees.

As part of the training, individuals from the government agencies presented a very comprehensive overview of human trafficking. The training covered all elements that comprise the legislation involving human trafficking, most notably INA 107(c) and 8 C.F.R. §214.11. The training also included non-governmental involvement with presenters from the Coalition to Abolish Slavery and Trafficking (CAST), the Florida Immigrant Advocacy Center, a noted psychologist with experience in treating symptoms and disorders associated with human trafficking, and a noted sociology professor with expertise in explaining cultural dynamics.

The INS has also produced a training video for all INS officer corps employees. The video explains the TVTPA, instructs employees how to identify potential victims, and outlines benefits available to victims. This video aired on INS TV during March 2002, and copies have also been provided to all INS offices. Additionally, an interactive computer-based training program is being developed by INS, with an overview course for all INS employees and specific modules tailored for individual officers and activities. This training is also being incorporated into the basic and advanced courses conducted at INS officer training academies. All of these training initiatives will eventually be available for INS employees in a variety of media formats and delivery methods, and all will allow for tracking and verification that employees have attended the training.

*Question 7.* What is the DOJ strategy to improve resources to investigate trafficking cases at the local level? Do you plan to fund INS victims coordinators at the local level so that agents do not have to coordinate victims services as a collateral duty on top of their investigative work?

*Answer.* The Department is focusing existing resources to improve coordination among federal, state, and local law enforcement as well as among victim service and advocacy groups. Training and outreach are important aspects of this effort and complement our work with our federal partners in the field. This work is modeled on the national Trafficking in Persons and Worker Exploitation Task Force, chaired by the Justice Department's Civil Rights Division and the Labor Department's Solicitor's Office. This coordinated approach has provided a forum for interagency information sharing in potential cases and coordination of efforts in outreach, training, and public awareness raising. Nascent efforts to promote similar interagency collaboration and information sharing at the local level are already taking root through regional task forces.

The Department is dedicated to providing increased training for prosecutors and agents on trafficking in persons. The Criminal Section of the Civil Rights Division has made presentations at several training sessions held at Quantico for FBI agents, and at a training of INS staff at the VSC, where T visa applications will be adjudicated. Division personnel have planned, coordinated, and presented training sessions for federal prosecutors, agents, and victim-witness coordinators from around the country at the Department's National Advocacy Center in Columbia S.C. Another such training is planned for October, 2002 and will consist of two two-day sessions primarily for federal prosecutors, but also for FBI and INS agents. We have provided training to local law enforcement at the FBI's National Academy, and are writing an article to be placed in the magazine of the International Association of Chiefs of Police (IACP), which reaches local police chiefs across the country. We

hope to participate in the annual IACP conference this fall in order to focus more attention on the problem of trafficking, the new law, the Department's work in investigating and prosecuting cases, and the resources available to victims.

With respect to INS victim-witness coordinators, INS employs such coordinators in all districts and sectors; however, their victim-witness duties are collateral to their primary responsibilities as investigators and deportation officers. These coordinators are also responsible for victim notification and sex offender registrations in their districts and sectors, and they have only recently seen an increase in trafficking cases requiring the provision of direct services to victims. With an increasing number of trafficking cases, the victim-witness coordinators are being called upon with more frequency to provide direct services, which are very time and resource intensive. While funding full-time victim coordinators in some of the larger INS offices makes sense, the workload does not yet justify full-time coordinators in all INS field offices. In addition, there are good reasons for having agents involved in providing victim services to victims of trafficking.

*Question 8.* What role do you play in facilitating with other U.S. agencies and foreign governments the repatriation of trafficked victims to their countries of origin and for providing funding to send victims home? Are you working with the State Department to ensure these victims get adequate protection once they get home?

Answer. Some trafficking victims prefer to return home rather than seek the protections of Section 107 of the VTVPA. Financial assistance to pay the transportation costs of victim repatriation has been an obstacle. We are not aware of any federal funds currently available to assist victims to return to their home countries. In one instance in which the victim wished to be repatriated, the home country provided the airfare; in another, the International Organization for Migration (IOM) paid the travel expenses. In addition to funding, the Department has encountered delays in facilitating a victim's repatriation because the home country government needed to reissue identity and travel documents to replace those confiscated by the traffickers. In one such case, the Civil Rights Division's Criminal Section worked both with the community-based organization providing services to the victim and with officials from the embassy of the victim's home country to facilitate the issuance of travel documents. In these cases, the victims felt that their safety and well-being would be best assured by returning home. While the Department has not yet worked with the State Department on repatriation issues in specific cases, the State Department has provided us with a list of NGOs in various countries that have received funding from the State Department and the Agency for International Development to assist trafficking victims, thus enabling us to inform victims about programs that may be able to offer them assistance upon their return.

*Question 9.* Are you doing follow-up on the American Samoa case in which DOJ uncovered a large-scale slavery operation involving more than 200 Vietnamese victims? What are you doing to remedy the situation where victims, having been freed from slavery and debt bondage, are in a position of indebtedness and of having to take terrible sweatshop-like jobs in order to pay off this debt and become independent?

Answer. The Civil Rights Division's Criminal Section is currently prosecuting this case, *United States v. Kil Soo Lee*. Two defendants have already pled guilty to felony charges, and trial is set for the remaining defendants for October 22, 2002. Experienced slavery prosecutors are leading the prosecution team. They recently successfully defended the VTVPA's victim protection provisions from a constitutional challenge in which the defendant alleged that Section 107 of the Act created a due process violation by making the victims too dependent on government services.

Victim-witness coordinators from the Civil Rights Division, the U.S. Attorney's Office for the District of Hawaii, the FBI, and the INS have worked with the victims consistent with the VTVPA and the relevant Department policy guidance on victims and witnesses. The United States does not have jurisdiction over debts that the victims may have incurred in Vietnam or China, or in the United States. The victims' continued presence is being ensured under Section 107(c) of the Act so that they will be available for trial if subpoenaed by the government or the defense. The Act provides them with employment authorization, which allows them to work while they are in the United States. HHS has certified the victims pursuant to Section 107(b) of the Act, which allows them to apply for assistance programs, including job training. The sponsors and hosts who are housing or employing the former Daewoosa workers were not provided by the Government, but were obtained through relatives, church groups, and other volunteer organizations. Daewoosa workers are represented by private counsel who can provide legal advice on a variety of matters beyond the jurisdiction of the Department of Justice. A number of social service providers have been working with the attorneys in this case. Since

raising concerns about re-victimization, the service provider CAST has again been in contact with those attorneys so that they can assist in the ongoing efforts to ensure that the workers are safe and gainfully employed.

*Question 10.* Is there a problem prosecuting under the new criminal statutes established by the Trafficking Victims Protection Act given that of the 89 investigations pending related to trafficking, only one of the current prosecutions involves one of the criminal statutes? Can you explain in detail why a prosecutor would choose to prosecute under the old involuntary servitude statute as opposed to the new forced labor one? Do we need to amend the bill to deal with this issue?

Answer. The 103 open matters are ongoing investigations. It is premature to know with certainty how many will ripen into prosecutions and what specific charges would be brought.

As for cases indicted since the passage of the new statute, VTPA crimes have been charged in several cases, often in conjunction with the pre-existing servitude and Mann Act statutes: *United States v. Kil Soo Lee* (Samoa, Vietnamese sweatshop: 18 U.S.C §§241, 1584 and 1594); *United States v. Virchenko* (Alaska, Russian nude dancing: 18 U.S.C. §§2421 and 1589); *United States v. Ng* (New York, Indonesian prostitution: 18 U.S.C. §§371/1584, 1589, 1584, 1591, and 2422); *United States v. Jimenez* (New Jersey, Mexican child prostitution: 18 U.S.C. §1591); and the first conviction was recently obtained under the VTPA in *United States v. Gasanov* (El Paso, Uzbek nude dancing: 18 U.S.C. §§371, 1592, 1546).

The majority of our current active cases predate the enactment of the VTPA and therefore we cannot constitutionally bring charges under the new Act in those cases; however, victims in those cases can and are being helped through the victim protection provisions of the Act. The number of post-VTPA investigations, however, is increasing, particularly in response to focused outreach efforts by the Civil Rights Division's Criminal Section. While we cannot comment on the details of cases under investigation, we are, as always, considering the full range of charges available to us as we proceed in these matters. It is typical practice in the federal system to charge several federal criminal statutes as appropriate to capture the various facets of the defendant's scheme. The exact scope of the new forced labor statute and the other criminal provisions of Section 112 of the Act will be defined in case law as cases are litigated. The well-established involuntary servitude statutes, which have consistently been held to be constitutional and have well-developed bodies of interpretive case law, can be effective in prosecuting trafficking situations involving force and threats of force, especially when augmented with the victim protection provisions of the VTPA. Their continued use in appropriate situations should not be interpreted in any way as a comment on the efficacy of the new statutory tools provided by the Act.

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RESPONSES OF AMB. NANCY H. ELY-RAPHEL, SENIOR ADVISOR, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, DEPARTMENT OF STATE, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR WELLSTONE

*Question 1.* What are you doing to assist the President's Inter-Agency Task Force on Trafficking in regard to facilitating cooperation among countries of origin, transit and destination (and not just between the United States and those countries), and to strengthen their local and regional capacities to fight trafficking?

Answer. Regional cooperation and transnational cooperation is imperative to combating trafficking.

During meetings with foreign government officials we encourage destination countries to work more collaboratively with source and transit countries. As we begin preparations for a world summit on trafficking, we will be looking at models of bilateral, regional and international collaboration.

The West Africa Trafficking in Persons Regional Conference in Nigeria last December developed an action plan, still in draft, for our posts to aid West African states build regional and bilateral cooperation. We are supporting regional cooperation in East Asia and the Pacific with the development of a website for governments and NGOs to use as a reference for cooperation on human anti-trafficking issues, including the sharing of best practices. We are in the process of issuing a request for proposals for a trafficking conference for Asia-Pacific nations to prepare for the World Summit on Trafficking in Persons. In addition, we intend to raise with regional organizations the importance of developing their capacity to track and fight this issue within their respective regions in order to strengthen regional efforts.

We are pleased that the OSCE has decided to make trafficking in persons, weapons and drugs the focus of the 2003 Economic Forum. This will present an ideal

opportunity to raise with many Western European destination states the importance of coordination and cooperation with partners in Eastern Europe and beyond. We are looking at ways to encourage and strengthen other regional organizations' efforts against trafficking.

No national anti-trafficking effort will be effective without transnational cooperation.

*Question 2.* What are you doing to assist the Task Force in examining the role of the "sex tourism" industry in trafficking?

Answer. A senior official from the Office to Monitor and Combat Trafficking in Persons (TIP Office) was part of the official U.S. delegation to the recent Second World Congress Against Commercial Sexual Exploitation of Children, which had as a primary goal the elimination of sex tourism. The World Congress works with the tourism and travel industry, NGOs, international organizations, and government officials in a variety of capacities to address sex tourism. We will continue to work closely with other governments and within the USG to follow-up on the initiatives of the World Congress.

The TIP Office also co-hosted, with the Child Exploitation and Obscenity division of the U.S. Department of Justice, a follow-up briefing on trafficking, commercial sexual exploitation of children, and sex tourism. Over 35 U.S. Government agencies and bureaus attended. Further activities and programs are planned, including an internal State Department briefing on sex tourism and trafficking later this month. The goal of the meetings and briefings is to incorporate a plan of action for sex tourism into our comprehensive strategy on trafficking. We will also include this issue in our bilateral discussions with countries linked to this phenomenon.

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RESPONSES OF NGUYEN VAN HANH, PH.D., DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR WELLSTONE

*Question 1.* How much money will Health and Human Services (HHS) grant to non-governmental organizations (NGOs) for victim services and how much of this money will come out of the \$10 million appropriated for this year? If HHS does not plan to use any of the \$10 million appropriation for funding victim services, please explain the rationale for this decision.

Answer. HHS' Office of Refugee Resettlement (ORR) is currently developing an expansion of our grant program to increase outreach and services to victims and solicit expertise for a national outreach campaign designed to educate people about the existence of trafficking and the protections and benefits available for victims. We intend to issue a significant number of grants and contracts for a total of approximately \$6 million. ORR plans to fund all of the awarded trafficking grants and contracts out of the HHS authorization.

*Question 2.* Does HHS plan to tailor its programs to fit the special needs of trafficking victims, since although trafficking victims have similar needs of refugees, their needs are not identical?

Answer. Our experience to date confirms that the needs of trafficking victims and refugees may differ significantly. Where appropriate, we are encouraging benefit and service providers to address the needs of trafficking victims through programmatic adjustments and to increase their capacity to provide culturally and linguistically appropriate assistance to trafficking victims within both existing programs and newly evolving programs. We are working to educate refugee service organizations, non-profit groups, law enforcement agencies, and others as to trafficking victims' needs, how they are manifested among victim populations, and how cooperation among service providers will ensure that the benefits and services are effectively provided to victims.

*Question 3.* Does HHS plan to use funding to establish shelters for trafficked persons in the future? What can HHS do to help trafficking victims access existing shelter services until there is more funding or new types of shelter available?

Answer. Providing appropriate shelter for trafficking victims is an area of high interest for HHS, however we are statutorily prohibited from establishing or constructing shelters vis-a-vis bricks-and-mortar buildings. There is a severe lack of shelter services, in great part due to a lack of funding in both the private and public sectors, specifically designed to meet the unique needs of trafficking victims. With our state and local partners, non-governmental organizations, and other federal agencies we are continuing to search for ways to provide resources and encourage shelter programs to increase their capacity to accommodate trafficking victims without sacrificing services to other populations being currently served.

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