

THE SEX TRADE:
TRAFFICKING OF WOMEN AND
CHILDREN IN EUROPE
AND THE UNITED STATES

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**THE SEX TRADE:
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IN EUROPE AND THE UNITED STATES**

MONDAY, JUNE 28, 1999

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC**

The Commission met at 2:00 p.m., in Room 2226, Rayburn House Office Building, Washington, DC, the Hon. Christopher H. Smith, Chairman, presiding.

Commission Members present: Hon. Christopher H. Smith, Chairman; and Hon. James C. Greenwood.

Witnesses present: Anita Botti, Deputy Director for International Women's Initiatives, President's Interagency Council on Women; Steven R. Galster, Executive Director, Global Survival Network; Louise Shelley, Director, Center for the Study of Transnational Crime and Corruption; Laura J. Lederer, Director, The Protection Project; and Wendy Young, Washington Liaison and Staff Attorney, Women's Commission for Refugee Women and Children.

**OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH,
CHAIRMAN**

Mr. SMITH. The Commission will come to order. Good afternoon. The Commission today examines an escalating human rights problem in the OSCE region: the trafficking of women and children for the purpose of sexual exploitation. Trafficking in human beings is a form of modern-day slavery. When a woman or child is trafficked or sexually exploited by force, fraud, or coercion for commercial gain, she is denied the most basic human rights enumerated in the Universal Declaration of Human Rights and numerous international human rights agreements—namely, her rights to liberty and security of person, her right not to be held in slavery or servitude, and her right to be free from cruel or inhumane treatment. In the worst cases, she is denied her right to life.

Under the laws and practices in the United States and in European countries, trafficking victims are denied an effective remedy against those who have violated their rights. Ironically, it is the women who are trafficked who end up being arrested in brothels raids, locked up, and then deported as illegal immigrants, while their perpetrators rarely suffer repercussions for their actions.

Although trafficking has been a problem for many years in Asian countries, it was not until the end of communism in East-Central Europe and the break up of the Soviet Union that a sex trade in the OSCE region began to develop.

This appalling trade has grown exponentially over the ensuing decade. Trafficking is induced by poverty, lack of economic opportunities for women, the low status of women in many cultures, and the rapid growth of sophisticated and ruthless international organized crime syndicates. Trafficking rings exploit vulnerable women and children; and amidst the devastated economies of Eastern Europe and the newly independent states where women are unable to find jobs, traffickers have no shortage of potential victims.

In Russia, for example, recent statistics indicate that some 6.5 million women are unemployed, and 2.5 million children are spending their days on the streets rather than in schools. Suffering from extreme poverty and the lack of economic opportunities, these individuals are easy prey for sophisticated traffickers, most of whom are linked to national and international crime networks which, deceptively, promise women good jobs, new homes, and opportunities to travel abroad.

As traffickers know very well, other populations of particularly vulnerable women can be found in conflict and post-conflict settings. According to news reports, criminal gangs began infiltrating refugee camps as they were created for the fleeing Kosovars. Repeating a pattern seen during the Bosnian conflict, these criminals will persuade young refugee women—many of whom have become separated from their families—to leave the camps for promises of new homes and higher paying jobs. Some reports indicate that traffickers have abducted women who were unwilling to leave the camps. Police in Italy have already rescued one woman who was smuggled to Italy from a camp in Albania and forced to work as a prostitute. In another case, a 16-year-old refugee girl was killed in a botched kidnapping attempt in Albania.

Having succumbed to the traffickers' ploys, women are taken abroad, their passports and visas are confiscated by the traffickers, and they are forced into the commercial sex industry. Women who resist the demands of their traffickers are beaten, raped, or kept in confinement until they agree to comply with the traffickers' demands.

In some cases, the women's lives are threatened, or the traffickers threaten to harm the families that they have left behind.

In 1991, every State that participates in the Organization for Security and Cooperation in Europe agreed, and I quote, "to seek to eliminate all forms of violence against women and all forms of traffic in women and exploitation of prostitution of women including by ensuring . . . appropriate measures."

Despite this political commitment to address the trafficking problem, the State Department estimates that in 1997 alone, 100,000 women were trafficked from the former Soviet Union—one hundred thousand! The clandestine and criminal nature of the trafficking makes any statistics on the incidents of trafficking inherently suspect, and thus the actual number is probably much higher.

There is no question, however, that the U.S. is one of the primary destination points for trafficked women from the former Soviet Union. Not all countries in the OSCE region yet have sufficient legislative or

enforcement mechanisms to identify, apprehend, and punish traffickers. Moreover, most countries, including our own, lack adequate protections for the rights of victims.

Inexcusably, it seems that some governments in the OSCE region have abdicated their responsibility to address the trafficking crisis; and the only effective initiatives are being advanced by courageous, non-governmental organizations and private sector activists. Non-governmental organization (NGO) activists throughout the OSCE are literally putting their own lives on the line in their work to directly—and they're directly against organized crime—warn potential trafficking victims of the harm they face if they become involved. These people are willing to suffer the potential abuse of themselves, and they're doing it; but they need more support from their governments.

Other NGOs are providing services to women and children who have been trafficked but managed to escape from their captors. Tomorrow, an NGO based in Seattle, MiraMed, will launch the first ever anti-trafficking Internet conference in the former Soviet Union. I understand that 40 moderators from about that many regions of the CIS will participate. MiraMed is also working to create an exchange program that will allow Russian NGO leaders to receive training from experienced Ukrainian NGOs, who have been battling the trafficking problem.

While I heartily applaud the efforts of NGOs who have taken on this issue, the time has come for the governments of the United States and others to do more to stop trafficking.

I want to point out that earlier in this Congress I introduced legislation—the Freedom from Sexual Trafficking Act of 1999, H.R.1356—which would severely punish persons in the United States convicted of sexual trafficking, including the recruitment, harboring, transporting, purchasing, and selling of the trafficking victim. We will treat the traffickers exactly as we do those who commit rape. I think the time has come to put a line in the sand and say, “You cannot continue doing business as usual. You will go to jail. In some cases, you will go jail for the rest of your life.”

Non-humanitarian U.S. assistance would also be withheld from foreign countries which do not meet the minimum standards for the elimination of sexual trafficking; and of critical importance, we will finally treat the victims—those women who have been exploited by the traffickers—for that which they are: they are victims. We will provide some safe haven for them, but we will also provide humanitarian assistance through the Department of Health and Human Services to help these women through counseling and appropriate medical treatment as a result of their exploitation.

Let me say finally that next week when we head to St. Petersburg—a delegation of 17 members of the House and Senate to the OSCE Parliamentary Assembly—I will be advancing a resolution that will seek to put on record all the member States who will be participating. I will try to come up with a more coordinated strategy to mitigate and, I hope, to end this savage and cruel issue of sexual exploitation by way of trafficking.

The hope is that this resolution will pass and will become—for our own country and for the other countries—a wake up call. We have sat idly by—in some cases some of the countries have sat idly by—and have been either source countries or transiting countries, but it's time

to say we're going to declare war on those who commit these offenses against women. So that will be next week at the OSCE Parliamentary Assembly in St. Petersburg.

I'd like to ask Jim—I saw you come in, my good friend and colleague, member of the Commission, Jim Greenwood from Pennsylvania—if he has any opening statement.

Mr. GREENWOOD. I don't have an opening statement, Mr. Chairman, but I do commend you very much for holding this hearing, and I look forward to hearing from our witnesses.

Mr. SMITH. Thank you, Mr. Greenwood.

I'd like to introduce our first panel. We have two panels today. We're very pleased to have Anita Botti, the Deputy Director of International Women's Initiatives, and Chair of the Interagency Task Force on Trafficking in Women and Girls for the President's Interagency Council on Women.

As Chair, Ms. Botti coordinates a high level interagency working group on trafficking, develops U.S. policies and activities regarding trafficking, and has twice represented the United States in OSCE fora on the subject of trafficking. Previously, Ms. Botti worked in the State Department's Bureau of Population, Refugees and Migration.

Ms. Botti, thank you and please proceed as you wish.

**TESTIMONY OF ANITA BOTTI, DEPUTY DIRECTOR FOR
INTERNATIONAL WOMEN'S INITIATIVES,
PRESIDENT'S INTERAGENCY COUNCIL ON WOMEN**

Ms. BOTTI. Thank you, Mr. Chairman. Thank you for this opportunity to testify this afternoon on trafficking in women and children in Europe and the United States and the U.S. Government's strategy to combat trafficking in Europe and around the world.

It has been a pleasure to work on this issue with the Commission on Security and Cooperation in Europe and your staff over the past several months.

Of all the human rights abuses to which the international community has turned its attention, the trafficking of human beings, predominantly women and children, is clearly one of the most egregious violations of our time.

As stated, the problem of trafficking is not new. It has been endemic in South and South East Asia for decades. Now the countries of the former Soviet Union and Eastern Europe are experiencing a regional crisis in trafficking. There has been a dramatic increase in the trafficking of women and children from the former Soviet Union and Eastern Europe in recent years because of the large number of unemployed women and the proliferation of organized crime organizations lured to the business by high profits, weak laws, and penalties for traffickers.

The former Soviet Union and Eastern Europe make up what is probably the fastest growing region for trafficking source countries. Approximately, as of today, 175,000 women and children are trafficked from this region to Europe, North America, Asia, and the Middle East. Most are trafficked to Western Europe, particularly Germany, Italy, and the Netherlands. The President, Secretary of State, and the Attorney General have shown tremendous commitment to combating trafficking, and the Department of State, Department of Justice, and

other relevant agencies have made progress over the past year to advance the administration's anti-trafficking strategies of prevention, protection, and prosecution.

The United States Government response to this issue is led by the President's Interagency Council on Women. The Council is a task force of high level USG representatives charged with implementing the platform for action adopted at the 1995 U.N. Fourth World Congress on Women in Beijing. The Secretary of State is the chair of the Council, and the First Lady is the honorary chair.

The problem of trafficking in human beings involves recruitment, transport, harboring, transfer, sale, or receipt of persons within national or across international borders, through the use of fraud, coercion, force, or kidnapping, for the purposes of placing persons in situations of slavery-like conditions, forced labor, or services. Examples include forced prostitution, domestic servitude, bonded sweatshop labor, or other debt bondage.

Although this hearing focuses on trafficking into the sex industry, it is clear that it is merely one component of the world of trafficking of women and children. United States policy is not limited to addressing trafficking in the context of the sex trade alone. Placing women and children into slavery-like conditions in any context is an intolerable human rights violation and an evil that will not be ignored.

We see cases where traffickers lure girls from villages and force some of the girls to work in domestic servitude or carpet weaving, while others, considered more attractive, are pulled off and sold to brothels. Thus, in the fight against trafficking, there are practical reasons why the United States does not limit its efforts to one form of trafficking over the other.

It is important that we talk about our estimates to date. Over one million women and children are trafficked around the world each year. Over 50,000 of these women and children are trafficked into the U.S. annually, primarily from Latin America, the former Soviet Union, and South East Asia. Russia, Ukraine, Poland and the Czech Republic are major countries of origin in Central and Eastern Europe. Roughly 4,000 of this 50,000 are comprised from the former Soviet Union and Eastern Europe. These are conservative estimates but ones that we have been comfortable in sharing with you.

It is worth noting that of this 50,000, approximately half of these are coerced or bonded sweatshop labor and domestic servitude.

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

Today I want to focus on the important role to be played by OSCE in the fight against trafficking. Eradicating trafficking will only be possible if countries of origin, transit, and destination are committed to working together cooperatively to find economic alternatives for women, legal remedies, and reintegration and protection programs for victims of trafficking. As a result, OSCE is an excellent forum in which to address the trafficking issue. Members include origin, transit, and destination countries.

OSCE participating States have adopted a commitment, as stated by the Chair, in 1991 in the Moscow Document “to seek to eliminate all forms of violence against women and exploitation of prostitution of women, including by ensuring adequate legal prohibitions against such acts and other appropriate measures.”

OSCE fora provide opportunities to raise concerns about the failure of States to honor this commitment and focus attention on how we can work together toward achievement of our goals to eliminate this scourge. I am pleased to have participated in two of the human dimension workshops which addressed this issue, one in Warsaw and another, most recently, in Vienna with members of your staff. The Permanent Council meetings also provide opportunities to raise concerns about the failure of States to honor this commitment and focus attention on how we can work together toward achievement of our goals to eliminate this scourge.

Achievement of progress on eliminating trafficking requires cooperation among States. The OSCE is an organization founded on the principles of cooperation. This concept is not abstract. From my participation in meetings I can attest to the high quality of debate in the OSCE fora. More importantly, I can attest to the willingness of States to work together to tackle this problem.

As you know, what makes the OSCE so effective are not merely the commitments States have made to uphold high human rights standards, but the effective mechanisms OSCE has created to review the implementation of these standards.

Also impressive is the operational and practical nature of OSCE. With missions in 20 OSCE participating States, the OSCE takes its message to the field all across the OSCE region.

OSCE institutions are also vehicles of action. The Office of Democratic Institutions and Human Rights, ODIHR, creates programs to assist States to implement these commitments.

As you can see, I believe the OSCE offers an excellent venue to tackle the problem of trafficking. Can it do more? The answer to this is yes, and we are working to ensure that it does.

First, the United States has seconded an expert to the Office of Democratic Institutions and Human Rights to examine the problem of trafficking in the OSCE region, with a view to recommending programs to assist States in addressing this matter. This study and the program recommendations it makes will focus on providing better protection for victims—a much neglected facet of the trafficking problem as was stated. Improving protection will enable States to do a better job in preventing victims from repeated human rights violations and making victims more willing to cooperate in the prosecution of traffickers. We strongly support greater ODIHR attention to creating programs to combat trafficking.

Second, we will continue to hold participating States to their commitments and speak frankly in OSCE fora when they do not.

Third, we are exploring ways to enhance OSCE commitments to address trafficking. We are looking for the study described above to instruct us on this endeavor.

Fourth, we will use OSCE fora to strategize about how OSCE participating States can effectively cooperate to combat trafficking. I came away from the recent Vienna meeting impressed with the potential

OSCE offers to bring all the players together. The State Department is committed to working with you and your staff to tap that potential in the fullest possible way.

As was stated, there are now fears and some indication that organized criminal elements are trying to take advantage of refugee women and children displaced by the conflict in Kosovo. Refugees from this region and from conflict situations around the world are always vulnerable to being trafficked. One concrete action that the OSCE can take is to ensure that the trafficking of women and children is addressed as part of our peacekeeping process in Kosovo. Women and children in post-conflict situations, those displaced from their homes and particularly in refugee camps, are extremely vulnerable to trafficking.

We are grateful for your leadership on this issue. We have high regard for Commission staff, with whom we have had the pleasure of working in recent months, and we look forward to future collaboration. As Secretary of State Madeleine Albright has said, "Our goal, ultimately, is to mobilize people everywhere so that trafficking in human beings is met by a stop sign visible around the equator and from pole to pole."

Thank you, sir, for this opportunity.

Mr. SMITH. Ms. Botti, thank you for your excellent statement. I want to thank you for being here this afternoon and elaborating on some of the things that are happening, on what are some of the hopes and aspirations we all have for ending this barbaric practice.

Let me ask you a couple of questions. On October 30th at the Warsaw meeting, you made a very strong and, I think, a very fine Statement; but part of it included a notation that the President had issued a directive last spring—that would be about a year ago—charging the U.S. Attorney General to review existing U.S. criminal laws and their current use to determine if they are adequate to prevent and deter trafficking in women and to recommend any appropriate legal changes to ensure that it is criminalized. Has that review been completed? Is it close to completion? Can you give us an insight into that?

Ms. BOTTI. My understanding, Mr. Chairman, is that it is very close to being completed, and I believe the Justice Department will be submitting that shortly.

Mr. SMITH. Very good. In your testimony today you mentioned that we currently have multilateral and bilateral initiatives underway with the European Union, the U.N., Italy, the Baltics, Ukraine and Finland. I wonder if you might elaborate a bit on what countries are conspicuously absent. If I'm reading this correctly, Russia is not listed. I wonder if you might tell us where Russia stands, since it is the country of origin of so many of the women who are exploited.

Ms. BOTTI. Yes, I would like to address that. I think that, as you mentioned, MiraMed is working within Russia. Certainly in our informal discussions with Russian officials, Particularly around the area of violence against women and domestic violence, they have expressed an interest in working on this.

Interestingly enough, sir, I think that the OSCE will offer a unique fora to engage Russia on this issue. I do believe that because of the membership aspect of OSCE, Russia could sit at the table with source, transit, and destination countries and talk about not only what they are doing, or will do, to combat this, but to allow them to understand

that they are not alone in this endeavor. We continue to work with them at every opportunity, and certainly I think that as we prosecute cases in the United States, we can raise that with the Russian Government as well.

Mr. SMITH. I appreciate it. We will be trying to impress our colleagues from the Duma next week with our resolution as to how seriously we take it. They will probably argue—and perhaps rightly so—that just as in the drug trade . . . It's hard to make a comparison, since we are a nation that exploits or uses drugs. Other countries are sending their drugs to the United States; and here we have a situation where they're going to say, "Well, why don't you do more to close up your borders to the cartels and the Mafia—the Russian Mafia—that exploits women this way?" So obviously we need to work together on this. But we will try to impress upon our colleagues in the Duma how important and serious we consider this to be. I hope this resolution, which is currently co-sponsored by the requisite number to get it up and consider it, will pass and the debate will bring some light onto the subject.

Ms. BOTTI. Thank you.

Mr. SMITH. With regards to the Ukraine, could you tell us what that looks like?

Ms. BOTTI. Yes. Actually, we have been very successful in working collaboratively with them on a number of areas. On the prevention area we have carried out, in collaboration with the EU, a public awareness campaign. In addition, through our United States AID program we are working with various NGOs throughout Ukraine to set up economic . . . to set up centers that deal with economic issues, deal with medical and counseling issues. There are not as many as we would like to see, and we certainly want more in the future, because I think the numbers can . . . we need this increased.

The other area is in the Gore-Kuchma working group, we have been successful in working collectively on the prosecution issues. I think that on protection we look forward to working with them on developing—and again this is an area that I think OSCE can help us—working collectively with source, transit, and destination countries to see how to reintegrate these people. Not all of them, obviously, are going to be staying in the countries that they have been trafficked to. So it's important, and I think the country is very interested in this, to work with us on how we can collectively work on setting up programs to successfully reintegrate them.

Most recently—as a matter of fact on Saturday—I was able to address a group of Ukrainian-Americans. We did indeed engage their support to help us in this endeavor, and the Embassy of Ukraine suggested that another possibility to focus the attention formally will be to have the U.S. and Ukraine host a conference in the Ukraine on this. So we look forward to OSCE supporting that.

Mr. SMITH. That sounds like a very useful idea that could help push the cause forward.

Let me ask you a question regarding the media. We all know—and especially now with our anti-drug efforts that are being made through public information announcements and even the anti-smoking efforts—what place do you think utilization of the media plays, especially radio? We know there are many girls who are seduced into going to a higher paying job and take an opportunity to get themselves

out of the doldrums, only to find themselves enslaved. They may not read the paper every day; that might be the wrong way of trying to reach them, especially in their very early years. But they may listen to radio. Is there any effort to get some air time with public information announcements—whether it be in Moscow or Kiev or anywhere else—to try to warn these women that “if it looks too good to be true, it is”?

Ms. BOTTI. It is. Yes. Thank you. You’re absolutely right. I can say that through our own initiatives, our public diplomacy initiatives, we’ve been able to get the word out across the world, and particularly in the former Soviet Union, through media of all sorts. But to your question, one of the ways that I think has been most effective is to utilize the NGOs, the non-governmental organizations, I think that in allowing them to carry the message, whether it be La Strada, or a local group, of MiraMeds you know on the ground, talking with these people. This I think is the most effective way of doing this.

We have to, I think, ensure that people coming back are willing to participate in this because I do believe that unless victims themselves are able to speak about this, they’re not going to listen to me or to you; they’ll just think that we’re making this up. I do think the most effective way is to utilize people on the ground who either themselves are working with victims or are victims themselves. And we’re trying, as we develop programs, to ensure that happens.

Mr. SMITH. Thank you, Ms. Botti. Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Chairman. In your testimony, Ms. Botti, you’ve made reference in numbers that over one million women and children are trafficked around the world each year and over 50,000 of these women and children are trafficked into the U.S.A. annually, primarily from Latin America, the former Soviet Union and South East Asia. And I think you said—you do say in the same paragraph—these are conservative estimates. Could you help me understand how these numbers are derived? It’s always difficult to quantify something that’s illegal and that you’re trying to stop because an obvious question arises: if you know that there are 50,000 people coming in, how come you can’t stop it? So how and by whom are these numbers generated?

Ms. BOTTI. Yes sir. First of all, they’re derived very carefully. And by whom? By our intelligence community, both domestically and internationally. I think that it is safe to say that when we started this endeavor about a year and a half ago, sir, we did not have estimates ourselves. We had estimates from NGOs working on this issue. What I think is of concern—and as someone who is a statistician I’m always, as you, concerned—where are you getting the numbers? So we sat together through the task force with the intelligence community to establish first what our scope was, because I think we had to decide that. And as you can see as I described the definition, it does transcend sexual exploitation.

So once we arrived at the scope, I think the intelligence community was able to at least give us—carefully looking at this from traffic patterns, working with our international colleagues in intelligence—they were able to give us these estimates.

The reason I suggested they’re conservative is that we wanted, because of the seriousness of this phenomena, we wanted to make sure that we weren’t being, that we were being sufficiently accurate and

we weren't being over dramatic. I think that these are safe estimates, and I usually use them, but I'm quite confident that they are under reporting.

Mr. GREENWOOD. You made reference to the intelligence community. Can you be more specific? Is it the Central Intelligence Agency that derives these figures?

Ms. BOTTI. It's a subcommittee that works together on pulling this together, yes sir. The FBI, the CIA.

Mr. GREENWOOD. Okay, so it's interagency?

Ms. BOTTI. Yes. Yes.

Mr. GREENWOOD. And it's an established task force that periodically meets to do this.

Mr. Smith outlined his very positive actions he'll be taking next month overseas. I won't be able to attend that event. I'm wondering if you could be specific at all in terms of congressional action that you recommended. I note that the Chairman has a bill. Mrs. Slaughter has a bill. Are you in a position to recommend very specific congressional action that you think we could take here in Washington that would make a difference?

Ms. BOTTI. Today I'm not. We, as you know, are reviewing the legislation, and I think we will be happy to come back to you formally from the department.

Mr. GREENWOOD. Okay. Well, would you consider this a formal request that you formally do respond in that fashion?

Ms. BOTTI. Yes sir.

Mr. GREENWOOD. Because we really do need to know that that's where we have the greatest leverage, obviously.

Finally, there's reference—I want to ask some questions about the mail-order-bride business, and to what extent you believe that, in terms of the United States specifically, that is a problem. And if you have any thoughts about what ought to be done about it.

Ms. BOTTI. This area was actually looked at very carefully in the beginning of our work, and there are pros and cons around this issue. I do believe that if they fall within the construct of our definition, regardless of whether they are or are not a mail-order-bride, they may be considered trafficked. I think it's important here to realize that this does go on and has gone on but has not in our review raised to the level of the magnitude that we're seeing for trafficking. You know, it may indeed be going on but mail-order-brides have continued to be an endeavor, and when we looked at it as far as trafficking it was not meeting the level.

That is not to say that there isn't—

Sorry?

Mr. GREENWOOD. You don't think it's the biggest source—

Ms. BOTTI. No sir. And I'm suggesting that if it—you know, it's not to say that if there's a mail-order-bride, he or she, well it's the bride, may be trafficked. But when we looked at this, we did not find that this represented a significant amount of trafficking for us to include it.

Mr. GREENWOOD. Well, for these 50,000 women and children who, according to your testimony, are brought into the United States, can you talk a little bit about what you know about how they arrive, to

the extent that they are illegally brought across the border? Is that the predominance of it, or do they come in through Customs and Immigration using legitimate student visas or whatnot to come through?

Ms. BOTTI. My understanding is that the majority do come in illegally. That is not to say, and certainly we know of cases that have come in legally and then have been picked up into trafficked rings, into rings of trafficking. This has happened both here in this country, I believe, and certainly as we see them presenting themselves overseas.

Mr. GREENWOOD. So it—

Ms. BOTTI. But the predominance—

Mr. GREENWOOD. To interrupt, and I apologize for doing that, but I know there are other witnesses and the Chairman would probably like me to move along here. This is new to me so I'm just trying to understand it. What we're talking about, I assume, is women conveyed in trucks or however across the border, believing that they are smuggling themselves in with the help of someone to the United States for some purpose and then find that, in fact, when they get here they are indentured in some way or trafficked.

What is your assumption about what the women and children think is happening to them?

Ms. BOTTI. Okay. Okay. Thank you. And I would like to qualify that most often they're not—they themselves are not seen as being smuggled. I think most of these women and children, or at least in the cases of women coming in, believe they're coming in to fulfill career opportunities, that they think they're coming in for bona fide jobs.

We see this as slightly different. Well, not slightly but as being different than someone who pays someone to smuggle them into the country knowingly.

Mr. GREENWOOD. And I wouldn't feel any less compassionate—

Ms. BOTTI. No, I understand. But I do believe that the predominance of cases that come into this country and around the world are cases of women who see themselves, you know, fulfilling a job opening for dancers, waitresses, nannies, teachers, and find themselves once they're in—

Mr. GREENWOOD. So they may get in a vehicle, they may cross the border, or they may walk across the border in a group or whatnot, and they're not international constitutional scholars, so they don't know what the laws are with regard to immigration. They come across and the next thing they know they find themselves exploited. Is that what you're saying?

Ms. BOTTI. That certainly may be one of the ways they come in. There are other ways where travel agents and career employment agencies have recruited them, and so they think that they are coming in quite legitimately. This includes people who are clearly, in some cases, quite educated. So because of the high unemployment, they are looking to find jobs.

Mr. GREENWOOD. Well it sounds to me, and I'll close with this, that probably the most direct thing that the United States Congress could do would be in line with everything else that we do to try to protect the movement of illegal immigrants across the border, because that would prevent people from coming into this country to be exploited illegally as well as for a variety of other purposes.

Certainly, anything we can do to understand the problem and check the credentials and be aware of and close the pores in our border is certainly going to help these women and children who are being exploited once they come here.

Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Greenwood. Let me ask another question related to the one at hand—and I do have some questions I'd like to submit for the record. There is, I think, a Catch-22 situation where a young girl might fit the profile of an applying student. Because she wants to be a student and needs a visa, she finds herself under heightened scrutiny. Have our people been adding additional burdens to those cases? And what has been the outcome? We know, or at least we understand, that there's some additional scrutiny being given to them. Are such people being kept out of the country simply because they're in the suspect class and therefore might be exploited? Does it actually work to their benefit because now they are kept from a hellish experience?

Ms. BOTTI. Not to my knowledge. I know it was raised with me on Saturday that there was an issue in Ukraine as far as review of visas, and we will be talking with our consular section on that, sir, but I don't believe that people are being discriminated or disadvantaged in this.

Interestingly enough, I don't think that the people are coming into the embassy. I think their visas and their ability to come into this country, or other countries—the vehicle and the methods for entry are being procured through other means. Fraudulent means.

Mr. SMITH. I thank you. And if you could, please get back to us because you know we are looking at the language. I know you're not prepared to speak to it today, and I certainly understand that; but as we go to mark up, we want maximum input, give and take on the legislation, to get to the best possible product to end this egregious practice. So I do thank you and request that you please get back to us on that issue as well.

Ms. BOTTI. Thank you. Thank you very much for the opportunity.

Mr. SMITH. Thank you. Before I ask our second panel of witnesses to proceed to the witness table, I'd like to read excerpts from a letter (and put the entire letter into the record) from Harold Koh, the Assistant Secretary for Democracy, Human Rights and Labor. Here are some salient points in his letter.

"I am delighted that my friend and colleague, Ms. Anita Botti, will brief you today on her most recent trip to OSCE offices in Europe." And then he talks about how his bureau has been working diligently on this issue, together with the Council, State Department, and so on and so forth.

He is a Member of the Commission and a very able Member; we look forward to the additional information he will provide as well.

Ms. BOTTI. Thank you.

Mr. SMITH. Thank you.

I'd like to ask our second panel if they would proceed to the witness table. We'll begin with Steven Galster, Executive Director of Global Survival Network, a D.C.-based human rights group, which he founded in 1994. Working with Global Survival Network and several other non-governmental organizations before it, Mr. Galster has led international investigations related to illegal trade in wildlife, people and

arms. Between 1994 and 1996, Mr. Galster led an undercover investigation into the trafficking of women and girls from countries of the former Soviet Union to Asia, Europe and North America.

Dr. Louise Shelley is a professor in the Department of Justice, Law and Society and the School of International Service at American University, and is Founder and Director of the Center for the Study of Transnational Crime and Corruption. Dr. Shelley is the author of *Policing Soviet Society* and co-editor of two journals, one covering post-Soviet democratization and the other addressing trends in organized crime. Since 1995, Dr. Shelley has conducted a program in coordination with specialists in Russia and, more recently, Ukraine on the problem of organized crime. In this capacity, she has also co-chaired a round table in the Russian parliament on trafficking in women and children.

Next we will hear from Laura Lederer, who is Research Director and Project Manager of an extensive research project underway in the Women and Public Policy Program at Harvard University's John F. Kennedy School of Government. The Protection Project, as it is known, aims to gather and disseminate information regarding laws that protect women and children from commercial sexual exploitation. Ms. Lederer is an accomplished researcher and writer on many human rights issues, including trafficking, free speech, and equality issues.

And finally—last but not least—Wendy Young serves as the Washington Liaison and Staff Attorney for the Women's Commission for Refugee Women and Children, which is a program of the International Rescue Committee. Previously, Ms. Young served as the Senior Immigration Policy Analyst for the U.S. Catholic Conference and at the National Council of La Raza and as an Immigration Policy Fellow.

Please begin, Mr. Galster.

TESTIMONY OF STEVEN R. GALSTER, EXECUTIVE DIRECTOR OF GLOBAL SURVIVAL NETWORK

Mr. GALSTER. Thank you, Mr. Chairman, for inviting me here today to speak about the trafficking in women and children. The organization that I direct, Global Survival Network, or GSN, has conducted in-depth field research on this issue since 1995. Much of our research has focused on the former Soviet Union and Europe, and more recently parts of Asia and the United States.

Our most recent investigation into human trafficking on Saipan, U.S. territory, was profiled on ABC and in *The Washington Post* last month. GSN initially reviewed the trafficking of women and girls for forced prostitution in its own special category that required its own special attention and even policy response. However, our investigations revealed that the victims of sexual trafficking, sweatshop labor, domestic servitude, and other forms of forced labor are all victims of the same kind of labor and human rights abuses. The mechanisms of trafficking and the forms of abuse are quite similar.

We even discovered some networks that traffic women for sexual slavery while trafficking men for other forms of forced labor, using the same channels and methods.

In 1995, GSN launched an investigation into sexual trafficking, focusing on the former Soviet Union, or NIS, which lasted 2 years and took us to a number of countries, including China, Germany, Switzerland, Japan, Macao, Canada, and the United States, as well as other countries. We established a dummy company that purportedly specialized in importing foreign women and entertainers to the United States. This was necessary because we found early on that there was no way we were going to learn about the realities of trafficking unless we could get close to the traffickers. And this in fact allowed us—gained entree to the operations of international trafficking networks based in Russia and beyond.

I led this investigation but before summarizing what I saw, let me clarify that the definition we use for trafficking is the same definition that you heard from Ms. Botti, including the use of deception, coercion, debt bondage, or some combination.

This relates to my first observation from the investigations. We found four types of women and girls involved in the sex trade. Many were victims of sexual slavery; some were not. The first type included those who had been completely duped and/or coerced into being sex workers. That's a clear-cut case of trafficking. The second type included those who were told half truths by the recruiters about their employment. For example, they may have been told they would have to dance and strip for clients but not that they would be expected to perform extra services or that the sums of money they were promised were completely fictitious or that they would not be able to hold onto their passport and that they would be confined during their stay in Germany, the United States—wherever they were going. These women were also trafficked.

The third type are those who are adequately informed of the type of work they'd be performing, weren't excited about that, knowingly relinquished control to their traffickers and still experienced the same kind of abuse. They were also trafficked.

Finally, the fourth type are those women who were adequately informed of the type of work they would be doing, in fact had control over their own movements and their earnings and were not controlled by a trafficker or pimp. Under our definition of trafficking that's not a trafficked woman.

Trafficking networks range and vary in size. A trafficking network can range from a two-person show to a large operation. I saw apartment-based operations in Moscow and Vladivostok, Russia, where one or two people would recruit women and send them abroad to a place where they had a business associate who ran a nightclub or a brothel. I also saw larger groups that operated out of travel agencies that were much more sophisticated.

Some of the main features of the way all trafficking networks we saw operate include the following. First, contracts or verbal agreements are established with the trafficked woman or girl. These include sums of money promised, warnings of financial and other penalties that will be incurred if she fails to follow the rules of her boss. The sums of money promised are often fictitious. The warnings about penalties are not.

Secondly, many trafficked women enter the country of destination, including the United States, with legal documents secured by the trafficker in duplicitous ways.

Third, recruitment fees are always demanded. Since most of the women and girls do not have the kind of money demanded of them, they're given the opportunity to work off their debt. This is the first and biggest problem they fall into.

Fourth, the traffickers take away their passports upon reaching their destination and they hold onto it while they're there.

Fifth, most traffickers also keep control over the woman's or girl's earnings, paying her whatever and whenever they want.

Sixth, peonage is often exercised gradually. The fact that the women and girls had been duped and/or coerced into performing services they did not want to perform, or work longer hours under bad conditions for little to no money, does not occur to them for several weeks or more, by which time they feel stuck, tired, and afraid to fight it.

Another observation I made was that the trafficked victims' fear of authorities is widespread, especially women from the former Soviet Union. There's a couple of reasons for this. First, having lived under formerly autocratic and now often corruption-laced governments, they fear the police as much as they fear the trafficker and/or pimp. They don't trust either, but they still feel they have to hide behind a trafficker for fear, ironically, of being turned in by him or her. I should add that the fifth type of woman we ran into in the sex trade were pimps and traffickers—there were plenty of them.

Secondly, the victims realize that if they reveal the nature of their work, they could be deported for working illegally as an alien and arrested for being a prostitute. Deportation, while seemingly an option for escape, would actually lead to retribution by the trafficking network; even worse, by going to the police, the woman can put her life in danger. There have been cases, as you stated, where the women have been threatened, beaten and even killed by traffickers.

As far as recommendations are concerned, I believe the U.S. Government is now moving in the right direction to combat trafficking on U.S. soil and abroad. This is an enormous problem that cannot be tackled overnight. Still, I think more can be done and faster.

Specifically, I think the following six components have to be emphasized.

First, public awareness. Traffickers prey on ignorance. They prey on those who are cut off from the realities beyond their neighborhood, much less their own national borders. Effective public awareness efforts should be channeled through grassroots organizations and via mass media outlets that reach far and wide. USIA and USAID grants can and are now being made available for this kind of work. I would like to see more of the public design work and money for these programs being controlled a little more by local organizations.

Second, increased economic opportunities for women at risk. Traffickers also prey on poverty. Some of the women and girls may know that traveling abroad with an unknown company or working as a stripper or even sex worker can be dangerous, but they're desperate for money and willing to take the risks. U.S. foreign aid to NIS countries should emphasize economic opportunities for women. U.S. grants and loans should have a stipulation that overseas implementors have an equal voice in how programs are designed and how the money is spent. That's not only fair, it's actually more effective, I think.

Third, emphasize civil rights laws and human rights treaties in anti-trafficking enforcement activities. Sex workers are people and are just as entitled to civil and human rights protection as the next person. In many States in the OSCE women in general, as you stated, especially sex workers, are deprived of these rights and treated as second class citizens. When they're mistreated, cheated, beaten, raped or even killed, the attitude is often—well, what did she expect, getting into a business like this.

There's at least six such treaties the U.S. and other OSCE States support that are relevant. I've put those in my testimony.

Fourth, apply these civil and human rights laws and treaties to immigration laws too. Traffickers benefit from most immigration laws. Authorities are obligated in most countries to arrest and deport alien women, girls, men, and boys found to be working illegally, even if it may appear they are working under force or duress. The trafficker, as you've stated yourself, often escapes justice largely because the witness has been sent home. A more humane, and I believe effective, response to trafficking would provide a victim with a stay of deportation for at least the period during which the investigation and potential trial against the trafficker takes place. In the case of sex trafficking, during her stay the woman should be provided with shelter, food, and counseling, and be allowed to apply for asylum if she can demonstrate that she risks facing physical danger by returning home.

Fifth, recognize forced prostitution as a form of forced labor instead of treating it in a separate category. Regardless of a nation's laws on prostitution, a woman or girl who is lured into a forced prostitution situation is enticed, trapped, and abused the same way a woman, girl, man, or boy is trafficked to work as a domestic servant or sweatshop worker. They are all deceived about their pay, they are all kept under tight control with no practical recourse for help because they're illegal, and they're all robbed of their human rights.

Finally, train governmental personnel in the realities of and appropriate responses to trafficking. These personnel should include police, immigration, domestic violence hotline operators, and embassy personnel.

Thank you, Mr. Chairman. I'll be happy to answer any questions you may have.

Mr. SMITH. Thank you very much, Mr. Galster, for that excellent testimony and for the great work you do. Dr. Louise Shelley.

TESTIMONY OF LOUISE SHELLEY, DIRECTOR, CENTER FOR THE STUDY OF TRANSNATIONAL CRIME AND CORRUPTION

Dr. SHELLEY. Thank you very much for the invitation of the chairman to speak here. Our Centers for the Study of Transnational Crime and Corruption that exist in Russia began with the impetus of my Russian colleagues who worked in the field, are criminologists, who were concerned about the exploitation of women and the problem of trafficking. And as specialists in crime problems and people who work with the law enforcement community, one of the prime motivating reasons that these centers were started was to try and address this problem. And I can talk more about what we have done to do that.

Human trafficking, as we've discussed, is clearly a growing problem, but one thing that we have not brought enough attention to is that it is serving as a fuel for strengthening organized crime networks throughout the region. Trafficking helps perpetuate system-

atic government corruption; it helps fund the expansion of other organized crime activities as traffickers are often also engaged in trafficking in arms and drugs. The quick and continuous profits made from trafficking also permit the organized crime organizations to expand into other areas of illicit activity.

We're not just dealing with the problem of trafficking in women, but also of children who are trafficked out of orphanages for the purposes of adoption and also for purposes of prostitution. As Mr. Galster mentioned, while some of the trafficking is carried out by small groups of individuals, in many cases it is carried out by organized crime groups which have extensive foreign links. The ability to threaten the women under their control and to threaten retaliation against family members at home because of the long reach of the criminal organizations makes the women particularly vulnerable.

In Belgium and the Netherlands, where many of the women are trafficked, Dutch research reveals that one third of the women there are originally from Ukraine. Parliamentary inquiries were held in the mid-1990s because of the extreme level of the violence applied against these women—a phenomenon that had not been observed before.

Authorities in many of the recipient countries of Western Europe and in the United States have made little headway against this phenomena.

The number of women in the U.S. is significantly below those found in Western Europe or in Turkey. Israel has tried to expel some of the trafficked women brought to Israel on falsified documents; Korean authorities broke one ring in Pusan of women trafficked from the Far East.

One French telecommunications executive informed me that he had seen an advertisement on the minitel—their substitute for the Web—offering individuals the chance to do anything with Romanian children. He sent a message to the advertisers that they were cooperating with French law enforcement. This was not the case, but the advertisement disappeared from the system.

Law enforcement, except in a few distinct cities in Europe, is not particularly motivated to address the problem of trafficking in women. Those that do try to address this problem have faced insurmountable difficulties. Many of the women refused to cooperate with the authorities because there were little or no protections, and they faced deportation and threats against their families if they cooperate with foreign law enforcement.

Second, often the law enforcement authorities do not know the women's country of origin because the organized crime groups have deprived the women of their passports.

And, third, western law enforcement that forwards inquiries concerning trafficking organizations usually gets no response through Interpol because the central office of Interpol in the former NIS States has almost no links to the communities from which the women are trafficked. Therefore, western police officials often give up trying because there is no way they can complete an investigation.

The failure of NIS law enforcers to address the problem is a result of many factors. According to survey research conducted recently in Russia by MiraMed, many citizens mistrust law enforcement person-

nel, believing law enforcers are highly corrupt. Many NGO personnel worry that their lives and the lives of the victims they are trying to protect will be endangered if they turn to the police for help.

What we're dealing with is a transnational phenomenon. While Mr. Smith had mentioned earlier about Russia being a source country for traffickers, it is also a recipient country as many Ukrainian women are trafficked from Ukraine into Russia and vice versa. I was just last week in Georgia and learned that Russian and Ukrainian women are trafficked through Georgia to Turkey and the Mediterranean. So while the links among the States have declined since the collapse of the Soviet Union, the organized criminals still manage to function effectively together. And in the Russian Far East you see links with Korean and Japanese organized crime groups that are facilitating the trafficking of women. The Irkutsk Center had a meeting about a year and a half ago where we brought Korean prosecutors there, and they came at their own expense and discussed this issue of trafficking and their effort and desire to do more in this region to combat the problem.

One of the major problems with all of the NIS law enforcement is that, facing so many problems of organized crime, they tend not to prioritize the prevention and prosecution of human trafficking from their regions. In fact, they tend to view women who are trafficked as deserving of their fate or motivated by financial necessity and therefore do not investigate or prosecute crimes involving sexual trafficking and prostitution.

The inability of law enforcement personnel to act against the phenomenon is undermined by their lack of knowledge and training in combating organized crime. Many law enforcers from the NIS are ignorant of the fact that trafficking in women and children is a part of organized crime activity and needs to be treated as such, and that under the laws that are being adopted in their countries, if they are complicit with these rings they will then be liable to prosecution as a member of an organized crime group. They are not aware of this.

Those interested within the NIS in addressing the problem in the former Soviet Union are often helpless because of its international dimensions. One of my colleagues was meeting a very interested law enforcer in the Urals who said that he was not capable because he had no telephone, no fax, no access to Internet to follow up on the advertisements that were appearing in his local newspapers from Houston, Texas, and others advertising for women in his region. And that's why law enforcement links that would help these individuals forward their inquiries to American law enforcers who could follow through on this are very important.

And when we had these hearings with the Russian Duma—and there was a lot of concern among Duma members on this issue—part of the problem was that the impoverishment of law enforcement did not permit them to follow through on much of the information that they received.

So I would summarize the main features of the trafficking problem as the following; one, the heavy involvement of organized crime, and this has been mentioned before, but I would also reiterate that there is a level of coercion not previously used against women that are being used by organized crime groups from the former Soviet Union.

And this had been done, particularly in Western Europe, to maintain or achieve a foothold in the lucrative prostitution markets that have been controlled by other organized crime groups previously.

Secondly, what I would call the lack of capacity and motivation. Law enforcement in the region has not been trained in combating trafficking in women and children. Much of the recruitment of trafficked women is going on in regions where law enforcement has no possibility of following up on the international groups which are trying to recruit women.

Third, complicity and corruption in law enforcement, passport services, and consular divisions. The corruption of law enforcement, passport services and consular divisions, which facilitates the trade in women, is not confined to the NIS or Eastern Europe but exists in other countries as well. Investigators at the U.S. State Department found that a foreign national working in the visa division of our embassy in Prague was issuing visas for Czech traffickers to bring women to the United States.

Our country is not alone, as accusations have been made of corruption in the consular divisions of Western European countries.

Corruption within NIS law enforcement contributes in numerous ways to passport services which issue phony passports to facilitate trafficking. Two, payoffs made at the borders to border guards to look the other way. Third, payoffs are made to local police to tolerate brothels in their communities or to tolerate individuals recruiting women for prostitution.

Our Siberian Center recently did research on a specialized labor camp in Russia for former government officials and law enforcement personnel on the mechanisms of corruption. This research revealed that 90 percent of surveyed law enforcement officials passed bribes up the command chain; therefore the higher levels of law enforcement are profiting from the payments made at the local level, and therefore it's in their interest to take payments to tolerate such behavior. And, fourth, the infiltration of Interpol and its information channels to local law enforcement means that efforts to attack the international links of the crime groups may be undermined by corruption in law enforcement.

Fourth, the absence of law enforcement links. Because I'm talking at a meeting dealing with OSCE, it's important to understand there needs to be not just links between American law enforcement and law enforcement in Eastern Europe and the NIS, but that Europeans also need to be very much part of this equation, as well as Asians that are recipients of these traffickers. Law enforcers in the NIS do not know whom to turn to abroad, and the same is true of Western and Asian law enforcement.

And fifth is the point that Congressman Smith has made, is that in the absence of victim protection—Western countries do not have adequate systems of protection for victims of traffickers. Therefore, women who are trafficked are afraid to contact Western law enforcement authorities and are assured no protection when they are returned home.

What can be done? First, encourage links among law enforcement from the United States, Western and Eastern Europe, NIS States and Asia. This can be done through network meetings. ILEA, the law enforcement training academy, can be used to facilitate such meetings.

Two, enhance training to ensure that law enforcers know how to investigate trafficking in women and understand the links between organized crime and trafficking in women.

Three, support development assistance to provide women financial alternatives, such as a Gameen bank, because many of the women are educated and could profit if there were financial alternatives.

Fourth, support educational and media programs—this has been mentioned earlier.

Five, continue U.S. investigations of fraud in the visa and passport branches of overseas embassies. Encourage organized crime strike forces to focus on these issues.

Six, develop legislation to promote protection of trafficking victims and protection for cooperative witnesses in trafficking cases. While this is being done in the U.S., it also needs to be done in other OSCE member countries.

And, seven, encourage cooperation between telecommunications companies and law enforcement investigations in the trafficking area, particularly in American, European, Eastern European, and NIS area. Cooperation between law enforcement and telecommunications firms has begun in the U.S. to combat trafficking and child pornography. International undercover investigations have been carried out against child pornography. More needs to be done to promote international cooperation and cooperation within Europe between telecommunications companies and law enforcement. This is increasingly important as the traffickers are successfully soliciting customers through the Web and other telecommunications systems.

And I think, to conclude, one also needs to think and understand more about the mechanisms of market and what needs to be done in member States of the OSCE to clamp down on the market for these trafficked women and children, because this is also very much an important part of the equation. Thank you very much.

Mr. SMITH. Dr. Shelley, thank you very much for your very extensive testimony. You do provide us with some very serious recommendations to consider. I think they will be very helpful as we go over the record and try to figure out where we go from here, based on what we're already doing. So thank you very much for that.

I would like to ask Ms. Lederer if she would begin.

TESTIMONY OF LAURA J. LEDERER, DIRECTOR, THE PROTECTION PROJECT

Ms. LEDERER. Mr. Chairman, members of the Commission, it's a pleasure to be here. I'm Laura Lederer, Director of The Protection Project at the Kennedy School of Government, Harvard University. I've been working for over 20 years on issues of commercial sexual exploitation of women and children, and I'm happy to be able to share some of our preliminary findings today with the Commission.

The purpose of the Protection Project is to build a comprehensive database of laws and related materials on the commercial sexual exploitation of women and children. We're documenting the laws on

child prostitution and child pornography, prostitution and surrounding activities, including pimping, pandering, procuring, maintaining a brothel, corruption of a minor, forced prostitution, trafficking, slave trade laws, kidnapping laws, and rape laws in all 220 countries and territories around the world.

We're also documenting the age of majority, age of consent to sexual relations, legal age for marriage, and other ages relevant to commercial sexual exploitation of women and children.

And, finally, we're examining the range of penalties, defenses to the charges, sentencing patterns, extraterritoriality and extradition treaties and agreements, and law enforcement capability, victim assistance programs where they exist, and other related matters. Collection of the data is taking place through a series of questionnaires, and the preliminary data base will be complete by the end of this year.

Trafficking is a global human rights problem of which the majority of victims are women and children. Let me illustrate what trafficking is by telling you Lydia's story. Lydia's story is an amalgamation of several true stories of women and girls who have been trafficked in Eastern Europe in the recent years.

Lydia was 16 and hanging around with friends on streets in—and you can fill in the name of the country here—Ukraine, Russia, Romania, Lithuania, the Czech Republic, when they were approached by an older, beautifully dressed woman who befriended them and told them that they were so nice looking she could get them a part time job in modeling.

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

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

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

She was rescued when the brothel was raided by the local police. They arrested the young women and charged them with working without a visa. They arrested the brothel manager and charged him with procuration, but he was later released. They didn't attempt to arrest the brothel owners or to identify the traffickers. The girls were inter-

viewed, and those who were not citizens of the country were charged as illegal aliens and transferred to a women's prison where they awaited deportation.

A medical examiner found that Lydia had several sexually transmitted diseases. In addition, she was addicted to a potent cough syrup, she was physically weak, and she was spiritually broken. There was no one to speak for Lydia. She feared the future because she knew her keepers; they had the networks, the power, the resources to track her down, kidnap her, bring her back again. They could hurt her family and had an interest in doing so because, unlike drugs where the product can be sold only once, when you commodify a human being she can be sold over and over again. The risk is low, the potential profits are high, and girls like Lydia are a real target.

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

Now multiply Lydia's story by hundreds of thousands, and a picture of the scope of the problem emerges. UNICEF is estimating that one million children are forced into prostitution in South East Asia alone, another one million worldwide—these are just children. An estimated 250,000 women and children from Russia, the newly independent States and Eastern Europe, are trafficked into Western Europe, the Middle East, Japan, Canada and the United States each year. An estimated 20,000 children from Central American countries—and this is a new figure from the working group on contemporary forms of slavery—are being trafficked for the purposes of commercial sexual exploitation up through Central America and into the Pleasure Islands and the United States.

According to the Department of State, as Ms. Botti said, over 50,000 women are trafficked into the United States per year. And then there are the countless thousands of women and children in Africa, South America and Asia, where we have very little information about the scope of the problem today.

Of the 155 cases of forced prostitution that were brought to the court in the Netherlands in one year, only four resulted in convictions. Thousands more were never brought to the courts. Accounts of the arrests police have made in North America show that the women are being sold for as much as \$16,000 each to brothel owners. When rescued, women are telling stories of debt bondage and sexual slavery in which they were forced to work off a \$20,000, \$30,000 or \$40,000 debt to traffickers.

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

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

The Three P's: prevention, prosecution and protection. The best legislation would cover what we call the Three-P's, and I think Ms. Botti mentioned this, too. Prevention of trafficking, prosecution of traffickers, and protection—that is social services and other programs for the trafficking victims.

We have found that more than 154 countries currently have legislation that at least minimally target the prosecution of traffickers by prohibiting the procurement of women and children for the purposes of prostitution or forced labor. Most of these laws were drafted between 1912 and 1960 to address earlier waves of trafficking. However, these laws are poorly, if ever, enforced. In fact, we found that the prostitution laws are enforced, but the procurement laws are ignored. They're rarely invoked. So that the women and children end up in jail and the traffickers go free.

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

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

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

As someone who's worked in this field for 20 years, I am excited to see the Commission's leadership on this important issue. I'm thrilled that sexual trafficking is finally being recognized as a major human rights priority. It's time to move beyond conferences and expressions of shock to a coordinated effort to criminalize the conduct of interlocking rings of businessmen, modern mafias, and corrupt government officials. We are the people who can help girls like Lydia to

draw attention to their plight, to help nations strengthen their laws, and, ultimately, to find ways to prevent and protect young women and children from commercial sexual exploitation.

I can tell you that from where I sit, many countries are looking for leadership from the United States. U.S. leadership is important, not only because of our human rights role, but also because it serves the American national interest. One of the hallmarks of the 21st century will be the emancipation of women worldwide, and the issue of commercial sexual exploitation of women and children is one that is perhaps last—but definitely not least—to be examined and addressed by our society.

Your effort, Mr. Chairman and Commissioners, will put America on the right side of history as women gain power and dignity. Thank you very much.

Mr. SMITH. Thank you, Ms. Lederer, for your excellent testimony, for the great work you've done on this issue for the last two decades, and for your help in helping to draft legislation that would, as you put it The United States really does need to take the lead, and we need to lead by example. And certainly that means tangible legislation. As you pointed out, it's important to make expressions at places like the upcoming OSCE Parliamentary Assembly; but I think it's far more important that we have a product that will give law enforcement the tools and prosecution strategy to go after rapists who are exploiting women around the globe. That's what we are seeking to do with our legislation. I want to thank you publicly for your great help on that.

Ms. Young.

**TESTIMONY OF WENDY YOUNG, WASHINGTON LIAISON AND
STAFF ATTORNEY, WOMEN'S COMMISSION FOR REFUGEE
WOMEN AND CHILDREN**

Ms. YOUNG. Good afternoon. On behalf of the Women's Commission for Refugee Women and Children, I would like to thank you Chairman Smith and the other members of the Commission for the opportunity to appear before you.

The Women's Commission was formed under the auspices of the International Rescue Committee in 1999 to act as an expert resource on the protection and assistance needs of refugee women and children. Together, women and children represent approximately 80 percent of the world's refugees. Specifically with regard to Kosovo, we have been advocating for over a year for increased international attention to the tremendous human rights violations inflicted on ethnic Albanians and the resulting internal displacement and refugee outflow to neighboring countries.

The topic of today's hearing, *The Sex Trade: Trafficking of Women and Children in Europe and the U.S.*, is, unfortunately, an increasingly prevalent phenomenon around the world that carries tragic results for its victims. I would particularly like to highlight the impact that trafficking has on displaced women and children, who are especially vulnerable to being caught up in this modern day slave trade. I will also share with you our observations on trafficking of Kosovar Albanian women, although I must caution that these observations

are preliminary and anecdotal, as we continue to try to ascertain the depth and nature of the many human rights abuses inflicted on that population.

In general terms, refugee crises are fertile ground for trafficking in women and children. Whether in Kosovo or other troubled regions around the world, refugee women and children face many of the same difficulties. They typically have lost their traditional support systems. Single heads of household, widows, and unaccompanied children, and adolescents generally represent a significant portion of any refugee population. Refugee women and children are often left facing dire levels of poverty because they have lost the support of their principal breadwinner and/or because their families have lost their property and businesses. Moreover, women and girls are at risk of sexual violence, including rape, during the conflicts that they fled, during their flight from those conflicts, and while residing in refugee camps or other settings.

In many cultures, one of the unfortunate consequences of surviving rape is being ostracized from the community, leaving a woman or girl struggling to find a means to survive on her own.

The situation of ethnic Albanian women and children forced from their homes is no exception. Almost 900,000 refugees fled Kosovo into neighboring countries to escape the ethnic cleansing campaign of the Serbian authorities. The majority were women and children, with significant numbers of war widows and unaccompanied children mixed in. The exact numbers are difficult to ascertain as registration of the refugees was slow off the ground and poorly coordinated. In addition, many of the refugees are living with host families and are difficult for relief workers to reach. Moreover, as you know, in recent days some 30,000 refugees per day are spontaneously returning to Kosovo to re-establish their lives in the wake of the NATO military intervention.

In many cases, the male members of a family return first, thus leaving women alone in the camps and even more vulnerable to abuse.

Despite the lack of data, disturbing reports of abuses against women and children are emerging, including stories of women and girls caught up in the trafficking network that was already thriving in the region, particularly in Albania. For example, there have been reports that existing trafficking rings in Vlore, Albania, have smuggled as many as ten boatloads of 40 or more Kosovars each night into Italy. The price paid for the perilous journey is approximately \$750 per person, totaling up to \$50,000 each night in profits per smuggler. Among these numbers are an unknown number of young women who are recruited or abducted by the smugglers and forced into prostitution. Sometimes the women are lured by false promises of jobs as nannies or restaurant workers or educations abroad.

A Women's Commission consultant, currently on a one-month mission in Albania, has reported that women between the ages of 17 and 25, particularly those that have not been registered by the U.N. High Commissioner for Refugees and who lack the support of family members, are most at risk of recruitment.

This human trafficking has long existed. It is orchestrated by members of the Albanian mafia, and traditionally it has targeted Albanian women and girls. It employs as many as 2,000 residents in Vlore

alone. Unfortunately, the network has quickly adapted to the refugee presence in Albania and found a new and particularly vulnerable population on which to prey.

So how do we combat the ability of traffickers to exploit refugee communities which already suffer from extreme hardship and trauma? The Women's Commission would like to offer the following recommendations.

First, aggressively undertake registration of refugees at the onset of a refugee crisis. Registration is critical to effective identification of at-risk populations within refugee camp settings, including single heads of household, war widows, children, adolescents and the elderly. Timely identification of these populations is essential to establishing programs to prevent trafficking and other abuses before they start.

Second, make the security of refugee camps a top priority. In most refugee settings, there is an appalling lack of UNHCR protection officers and other trained security personnel assigned to protect refugees from abuse and exploitation, including trafficking. For example, in Macedonia at the end of April 1999, there were only eight protection officers assigned to monitor three major border crossings and many smaller sites as well as nine major refugee camps.

Third, develop programs to specifically address the protection and assistance needs of refugee women and children. Perhaps the most effective way to deter trafficking in refugee settings is to provide options to women and children so that they do not have to resort to alternative sources of income and are less vulnerable to being lured by the false promises of traffickers.

These programs should include micro-enterprise development and skills training with an emphasis on literacy and education. Too often, the specific needs of refugee adolescents are neglected. Education and skills training programs should actively address their needs. In addition, programming to prevent sexual violence must also be provided.

Fourth, involve local non-governmental organizations in service delivery. The United Nations and other international organizations must continue to support and build up Kosovar and local organizations that are working with the refugee population. These organizations are often best positioned to recognize and address the needs of women and children.

Fifth, provide third country resettlement opportunities and access to the U.S. asylum system for refugee victims of trafficking. The United States must follow the model of Denmark, Canada, Australia, and others and formally implement a responsive women-at-risk resettlement program. In addition, the United States must address the protection needs of trafficking victims smuggled into the United States. Too often, the needs of the victims are neglected and worse; if picked up by the Immigration and Naturalization Service, the women and children are imprisoned in immigration detention centers or local prisons pending the outcome of their asylum proceedings. There have been cases in which the victims are actually imprisoned for longer than the smugglers who brought them to the United States.

Sixth, take active and direct steps to prevent trafficking in refugee camps. This includes monitoring and assessing the extent of trafficking as well as reaching out to refugee women and girls to educate them about the dangers of trafficking. We understand that the Inter-

national Organization for Migration, the U.N. High Commissioner for Refugees, the Council of Europe, and others are beginning this process in Kosovo.

Last, address trafficking directed at Kosovar refugees in the context of trafficking in Albania generally. While it is essential to prevent the spread of trafficking to refugees hosted by Albania, it is also important not to neglect the needs of the host community.

These recommendations will require the support of the United States, other donor governments, and the international community, including the OSCE. But the world community cannot turn its back on the suffering of the Kosovar refugees or other refugee communities. It also cannot stand idly by while they suffer further degradation of their rights.

I'd like to again express my appreciation for the chance to appear on this panel, and I would be happy to address any questions you might have.

Mr. SMITH. Thank you again, Ms. Young, for your expert testimony. I would like to yield to Mr. Greenwood for any questions he might have.

Mr. GREENWOOD. Thank you, Mr. Chairman, I appreciate that. This has been some of the most heartbreaking testimony heard in an awful long time, and I appreciate the witnesses. When you hear testimony like this, you want to solve all of the problems all at once; and seeing by your testimony how vast the problem is, it's a daunting challenge which tends to make me, as I said earlier, think first about our own backyard in the United States to make sure that we're doing everything that we can here.

A couple of questions. One of them is what about the intersection of U.S. law enforcement and this problem? Are there things that we could be doing with our law enforcement personnel? I know how difficult it is. In my own little county of Bucks County, Pennsylvania, my wife and I tried to get all of the police departments to be up to speed on how to deal with domestic violence. And that was a ten-year daunting project right in our own backyard. But to try to get, for starters, law enforcement personnel to take the correct series of steps when they encounter both victims and victimizers so that we protect the victims and try to track down the victimizers—are there specific recommendations any of you would have in that regard?

Mr. GALSTER. Sure.

Mr. SMITH. Step right up.

Mr. GALSTER. I think there's lots of things that could be done. I'll just say two that come to mind as the most important. First is training. I was out at a conference—in April, I think. The FBI and Department of Justice in California put together a three-day conference on Russian organized crime and organized crime in America from the former Soviet Union, and they had one section we did training on with regard to sexual slavery. And I think that was very useful for everybody there and there has to be more of that done.

Secondly, one of the things that came up though in that conference was the fact that they need to be enabled legally to negotiate in good faith with potential victims of trafficking. Most officers from L.A., New York—all had stories about coming into contact with girls or

women from Moldova or Hungary or Ukraine or Russia, but they couldn't promise them a stay of deportation in exchange for providing information to be a witness. And I think that would be a—

Mr. GREENWOOD. And they couldn't because why? Why couldn't they do that?

Mr. GALSTER. Well, in most cases if they found that they were there illegally, either because they had a fraudulent visa maybe, showing that they were going to be a student or a nanny, or they had overstayed their visa, they had to report it to Immigration. So the policeman doesn't always have control over that process, and they may, in fact, get in line for deportation at that point.

Mr. GREENWOOD. And Mr. Smith is indicating that in his legislation there is protection for removal for certain victims of trafficking and that might be an approach to solve that problem.

Mr. GALSTER. I think that's a very good thing, and I think it should be expanded to all victims of trafficking—sexual trafficking or other types.

Mr. GREENWOOD. And I assume that also relates to what Ms. Young said about providing third country resettlement opportunities. Is that correct? So that we're not faced with the problems of either returning to a dangerous situation in their country of origin or allowing them to remain here as illegal aliens, but find a third way, a safer way. Is that—

Ms. YOUNG. Yes, my reference to resettlement was particularly actually resettlement into the United States. Women-at-risk programs are designed to protect women who cannot return to their homelands because of human rights violations, either in the host country or the homeland.

Mr. GREENWOOD. Oh I see, then I misunderstood your testimony.

Ms. YOUNG. Yes. The women cannot remain in their current host country because, for example, they've been targeted by traffickers and are no longer safe there. So the resettlement program in the U.S. offers them a third alternative and a place that they can reside permanently.

Mr. SMITH. Anyone else wish to comment?

Dr. SHELLEY. I think that this problem exists on all levels of law enforcement, from failure to acknowledge and deal with the problem. Many local law enforcement officials do not even realize that when they're dealing with a trafficking victim that they're dealing with an international criminal organization. So that there needs to be more education, more awareness, more training on the local level because otherwise they just leave this case and just don't pursue all the links that follow. And then there's no way of getting at the criminal organizations.

Secondly, on the federal level, I was in Los Angeles and spoke with the organized crime strike force that works against Russian organized crime. The head of it in Los Angeles was very interested in doing more in this area. But this has not been a priority of American law enforcement either, just like it hasn't been a priority in the NIS. And most of them don't realize that the women have been trafficked; they think that they're doing it of their own volition. And because these cases have been so hard to break, because you're not getting cooperation from Eastern Europe and the former Soviet Union, it's not a case that one can get prosecutions in, that you can have success

in these cases and therefore law enforcement tends to go after those cases where they're more assured of success. And so that's something that needs to be done; there needs to be different evaluation of performance criteria and there needs to be more done, more cooperation so that local and federal law enforcement can have successes and are willing to devote the resources for this. So it's a multifaceted problem.

And, thirdly, we have this ILEA training center that is operating in Budapest, but we've been doing very little to combat trafficking there. We've not been running training courses on it, as far as I'm aware of. One of my colleagues from the Center recently went to visit ILEA while he was on a trip to Budapest and talked to them. There is more that we can do to develop training material. We're doing lots of work on training and investigating in organized crime, but we're not incorporating modules on dealing with trafficking within these programs. So there needs to be something done in all areas, and we need to be thinking about promoting cooperation meetings.

Some of this trafficking is going from the Far East through Asia and also into the United States, but there's not been much cooperation among NIS, Asian and American law enforcement, and we need to be thinking about regional strategies that way. The Koreans are very interested in this, but we haven't been able to get much support on our side for that.

So there are whole ways that need to be done, going from the local level to the federal level to the regional level to our international program. And we just need to put more emphasis on this, and it's not just necessarily resources; we need to emphasize that this is a part of American policy and interest in this area.

Dr. SHELLEY. Well I think we need to be much more careful in our embassies of who we're having involved in these visa sections, and I think that that's something as we're dealing and making this an OSCE issue, that we need to be much more careful also in emphasizing that other member States need to be more careful in their visa sections. Because I have heard of so many cases of how these visa situation has exploited, or particularly as Steve was talking about, through travel agencies that obtain group visas and traffic women through travel agencies.

I think there's also much more that INS can do in the investigative area. They've not done that many INS investigations in the trafficking area. Those that have done them—I've worked with one person who has broken a ring that we had here in Adams Morgan of trafficking from Asia, but I haven't seen training material developed for law enforcement on how that experience could be replicated, what people should look for.

There's a lot more that needs to be done on the INS side.

Mr. GREENWOOD. Anyone else want to comment?

Mr. GALSTER. Just to say two things. First, I think a lot of information can be provided to potential victims through embassies. In fact, one of the things our organization did was to work with the State Department to create a brochure for several embassies in the East European region, and then to encourage applicants to come and apply for the visa themselves so they can get this information. At least to equip them with this kind of awareness of what they may be getting into.

And, secondly, just a word of caution. Remember that stricter immigration laws, however well intended they are, usually feed into the hands of traffickers because you may have a woman who at first is intending to go to Germany from the Ukraine or the United States by herself or with a friend, to get job, and because the immigration laws that are set up to prevent victims like that falling into a trap, she ends up having to go to a trafficker who can get them through because law enforcement efforts, however good they are, are not always going to get all the traffickers in the first sort of swipe of your net. So just be aware of that. And, in fact, that's been a trend we've seen throughout the world. Stricter immigration laws benefiting traffickers.

Ms. YOUNG. I'd also like to go back to this point on detention of the victims of traffickers. And I would use as an example a population that I know Chairman Smith was a passionate spokesperson for, which was the Golden Venture Chinese a few years ago, who actually ended up in prisons—including in Pennsylvania—across the country for close to 4 years before they were ultimately released. And some of the smugglers who brought the Golden Venture Chinese were imprisoned for less than a year.

Detention is a very punitive environment, and it has two practical side effects. One is that it deters victims from coming forward if they know they're going to end up in prison themselves. The second is the humanitarian concerns, just that the conditions of detention are atrocious. Victims need to be looked at on a case-by-case basis and provided whatever relief they can be under our immigration laws, including asylum, if appropriate.

And I'd also like to emphasize that there is a program available within our immigration laws for the temporary protection of witnesses who are testifying against smugglers. It's the S Visa program. But it's my understanding that that is not fully implemented by the INS, and it is very difficult to get one of those visas. But, at least, it provides a stay of deportation temporarily while the witness is here.

Ms. LEDERER. Just on the front end, the very front end. It's often the local police in the United States who make the arrests in the brothels. And if they don't ask the right questions, they'll miss where the women are coming from, how they got to where they are and in the United States, of course, prostitution and pimping and pandering, and maintaining a brothel laws are all State generated, not federally generated, and the federal law, the trafficking and transportation law, you'd need to ask those questions to get it bumped up to the right place.

Mr. GREENWOOD. And that's a vast problem because you have virtually an infinite number of local law enforcement agencies of various sizes and levels of sophistication, so I'm thinking that perhaps a federal pilot program that interacted with key law enforcement communities, particularly in border communities and so forth or areas of importation on the coasts and so forth, might be a good way to get at this.

I want to thank you all for your testimony and thank the Chairman for his indulgence with my schedule and—

Mr. SMITH. Thank you, Mr. Greenwood.

Let me ask some final questions. In Turkey, mothers protest every Saturday—Saturday’s Mothers, they’re called—for their missing children. Even in Russia there’s an organization of mothers who frequently protest mistreatment of their sons or daughters in the military. In Central and South America, there are always mother’s groups that have formed to protest the loss or disappearance of their loved ones—husbands or children. We often hear about the families back home, that they’re under some threat. What does the average family do in Russia, Ukraine, or any other country where a child is now missing, to protest the missing child? And is there any kind of coordinated effort underway or contemplated or perhaps in existence to try to bring attention to these missing children? Certainly governments would wake up, I think, perhaps more than they currently have if there were an organization of mothers saying, “We want our daughters back.” Does such a thing exist? Do you want to start?

Dr. SHELLEY. There are many NGOs consisting of women in the former Soviet Union who are active on this trafficking issue, but I’m not aware of any of missing mothers. In fact, one of the things our centers are awaiting is a USIA grant that’s waiting congressional approval, and one of the things we’re going to be doing under this research is going after some of these missing children data, because there hasn’t been much research linking up this missing children with the trafficking problem. Our researchers say the link is there, but people just say, “Oh, they’ve disappeared and nobody knows what’s happened to them.” And so there isn’t an awareness of that the way there should be.

Mr. SMITH. But I understand that sometimes money, small as it is, makes its way back home. And Laura, you gave that composite about Lydia. What might her family think—her brothers, her father—about their missing daughter or sister? What? Did they hop on planes? I know they’re very often impoverished, but did they look to try to recover her? Does law enforcement show any interest whatsoever that she might have been caught up in this network?

Ms. LEDERER. I’m afraid I can’t be of too much more help. I do agree with Dr. Shelley that I think that there are NGOs that are working on this in the various countries. And I know a number of them spoke at the working group on contemporary forms of slavery meeting, and were aware of and were documenting children. But I don’t know of particular, you know, family organizations or anything in the way of law enforcement looking for missing persons who might have been trafficked.

Dr. SHELLEY. When you ask about this money coming back, I mean some of this trafficking, as Steve was mentioning, is women who voluntarily go abroad. And in some of those arrangements, you know, there is some money returning. Some of these missing children are not trafficked, you know they’re just missing. And often people do go to law enforcement but law enforcement doesn’t know where to turn. You know, has the person gone to Korea? From the Urals? Has the person gone to Dubai? They know some of them have been trafficked to the Middle East. They don’t even know where to start this inquiry. So it’s not as if some of them are totally unwilling—though some of them are—but a total absence of any knowledge of where to go. How to follow this up.

Ms. LEDERER. Part of the Lydia story was from a MiraMed story of a small town in the Ukraine where a group of girls disappeared and the parents didn't know where they were. And then another group of girls were driven across the border and disappeared and nobody knew where they are, and people were just saying, we just don't know what happened. They just disappeared. That's as far as it went.

Mr. SMITH. In terms of the threat, when a young girl who's being exploited like this is threatened—that her family back home will be hurt—is that threat often acted upon? Or is it a threat made just to her and not to the family?

Ms. LEDERER. We only have anecdotal information, I think, at this point about that. And I mean there are these horror stories that those of us who are working in this area hear but nothing documented and nothing I think methodically documented at this point.

Mr. SMITH. Yes?

Mr. GALSTER. I met women who were trafficked and some whose sisters or mothers even found out because they called them and told them. But both they and their family members understood that the police were no match for the organized crime group that they were dealing with—however small or big. So their first line of business was to pay off their debt and, you know, without doing that they would put themselves and their family in danger.

Now a lot of the police in some of these countries are corrupt or underpaid. A lot of times they're not though. I've dealt with Russian police and Ukrainian police who really wanted to do the right thing but, you know, sometimes they wouldn't even have enough gas in their car to go halfway across town. They didn't have the capacity to look into this. Everybody knows that.

Mr. SMITH. Are there instances where the threats have been carried out though?

Mr. GALSTER. Sure.

Mr. SMITH. To our knowledge?

Mr. GALSTER. Sure.

Mr. SMITH. Where families back home have been—

Mr. GALSTER. Families back home threatened, yes. And that's not just something unique to the area of the former Soviet Union.

Mr. SMITH. Right. No, I know. But in terms of—I mean, for the threat to have—

Mr. GALSTER. —credibility?

Mr. SMITH. —potency and credibility. It needs to be acted upon. Do they do it?

Mr. GALSTER. Perception in the former Soviet Union's based on a lot of reality, you know; *rasbork* or revenge against somebody who did you wrong is carried out with strong force very quickly. See the daily newspapers.

Ms. LEDERER. I can say that all it takes is one. There is the story of one town where a young girl escaped, and they got her. Her head was found rolling in the gutter. That one is enough for a whole town.

Mr. SMITH. Right.

Dr. SHELLEY. I mean one of the most notable cases that has been investigated was of a woman, she was controlled by traffickers but she went abroad to do this to Macao. There was a high level Hong Kong barrister who wanted to marry her. They went back to Vladivostok to buy her out of prostitution and both of them were killed

in Vladivostok. And this case was investigated because of the high status of the individual involved. But this case people know about, that not only did they murder the woman, but they murdered the lover as well.

Mr. SMITH. One component of the legislation, H.R.1356, provides that a woman who would face a significant possibility of retribution or other hardship if removed from the United States would be provided protection. In your view, is that basically the way you would want it phrased? Do you think this is something that has to be done and done now? INS and the federal government always had administrative elasticity. They can do certain things, but I have found in 19 years as a Member of Congress that when it comes to immigration law, we are very often exclusive, not inclusive.

And since I became Chairman of the Subcommittee on International Operations and Human Rights—and we do have authorization power over the refugee issues—I hired the former General Counsel of the INS, and I can tell you as someone who knows the inside of the building that my worse suspicions are true. And that is bipartisan. Previous administrations as well as this one have indicated that exclusivity exists. It seems that if we don't spell out in real detail what we mean—that we want these people protected—it won't happen. Ms. Young?

Ms. YOUNG. Yes. We would definitely support that provision, as long as it's not to the exclusion of equal access to other forms of relief, such as the asylum system which carries with it certain benefits, as you know.

I would agree with your statement, too, that we tend to view these things with exclusivity as opposed to the opposite. One provision that is existing in law that you might want to look at as a model is the special immigrant juvenile visa program that's available to kids that have been found to be abused, abandoned, or neglected. It's a stopgap program, if you will, for kids that are not eligible for asylum or other forms of relief.

But, having said that, even in that context the INS has taken a fairly restrictive view towards that program and there are probably kids who have been deemed ineligible who could have benefited.

Mr. SMITH. Let me ask a question of Ms. Lederer. In terms of the story you told of how in the Netherlands—I think it was one hundred and forty-four odd cases that were prosecuted—there were only four convictions. Was it a lack of the tools, the proper legal basis to obtain a conviction? Was it because of witnesses who were fearful of retribution? A combination of both?

Ms. LEDERER. It's probably a combination of both. That statistic, it's 155 cases that were brought to the courts and 4 were successful convictions. It was from the IOM study of one year of cases in the Netherlands. I will say that we've found numerous weaknesses in the statutes already, and I'll just give one example.

There's a double witness law requirement in many of the statutes, the procurement statute, which requires that in addition to the woman who's been procured or trafficked, another witness has to be available to testify. And that is, as police will tell you, virtually impossible. It's hard enough to get the trafficked woman, much less somebody else in addition to do that. And that stems from the old, you know, she's not a credible witness because she's a prostitute kind of thing.

But that's something that could be done pretty much immediately in many laws to tighten up the statutes and would also encourage women to prosecute. Because police tell, you know, that prosecution of a procurer or trafficker is almost impossible unless you have guns or drugs or something else that you can add on to the charge.

Mr. SMITH. Let me ask Ms. Young: is the sex trade with the Kosovar women primarily a problem facing the Italian authorities, and what are they doing? And Ms. Lederer or anyone else might want to touch on that as well.

Ms. YOUNG. I actually would defer to my colleagues on that question. I'm not that—

Mr. GALSTER. The question is about Italian authorities?

Mr. SMITH. Italian authorities. Where are the Kosovar women (the number of which we don't know)? We have—and Ms. Young made mention of this—a strong belief that some have, unfortunately, been put into this service.

Mr. GALSTER. Yes, that's been going on for a while. It's happening more now and Italy's definitely the No. 1 destination.

Mr. SMITH. Right. Now what? Is there a deficiency there with the Italian authorities? Are they prosecuting? Well, I'm asking you to get it on the record.

Mr. GALSTER. Well I think, you know, it's a huge problem for any country, and they're right across the waters there. It's nasty trafficking. You've got Albanian groups that are boating across the waters there, trafficking in other things as well. It's a lot for Italian authorities, any country to deal with, because you know it's a peninsula there, so I think it's very difficult; and, I think, as hard as they're trying, they lack the capacity to deal with this problem.

Dr. SHELLEY. I would also say that there's very significant involvement of Italian organized crime in this trafficking, especially the crime groups located in Bari. And because of the close links between the organized crime groups and Italian law enforcement, this has made a serious problem in dealing with this or combating this problem.

And, apart from this, I was talking recently at Hurlburt Air Force Base where we are doing training of military analysts from Eastern Europe and the former Soviet Union, and the chief of military analysis from Albania was talking about the problems of corruption in the consular divisions of Italy that are facilitating this trafficking. And I've heard that from Italians as well.

It's not just an Albanian problem, there are problems on the other side linked to the endemic organized crime.

Mr. SMITH. Where is a refugee most at risk? Several weeks ago, several of us were in Stenkovich in Macedonia, which is surrounded by barbed wire. Obviously, if recruiting takes place, it's only upon exiting there. But is it when the refugee is immediately making his or her way into a relatively safe country? Is it when they're going back? Like right now with the massive re-infusion of people to Kosovo, is that where the luring of potential sex industry people, particularly women, takes place? When are they most at risk?

Ms. YOUNG. I would say actually rather than looking at it in terms of a time period at which they're most vulnerable, I would look at it more as when are they alone, and without the support of family members. And really that can happen at any time. During the conflict. In the refugee camps. Or even upon return. As I mentioned, a lot of the

returnees right now are men and sons, husbands and sons who are going back to assess what's left back in Kosovo, and they're leaving the women and girls behind. So I would look at it more that way.

Mr. SMITH. Let me ask one final question and ask if you have any final, concluding comments to make.

Part of what we have in our bill is an attempt to deal very seriously with the international pimps and put them on the equivalency of being rapists, with a maximum of life imprisonment for their actions. I'm not sure how many of you—I know, Laura, you've looked at it and perhaps all of you—have taken a look at the legislation and might offer suggestions as to whether or not the sanctions are sufficient to the crime. Of course, there will be much more discussion on this as we go through subcommittee and full committee on it, but it seems to me that we really need to throw the book at them and stop penalizing the victims. Protect the victims, provide health and other kinds of protections, including potential refugee asylum assistance rather than deportation, but to really declare war on those who commit these crimes. And is this sufficient? Laura, did you want to touch on that?

Ms. LEDERER. Well, I think, what is it 25 years?

Mr. SMITH. It's life for some, 15 for others, based on age.

Ms. LEDERER. Right. Right now I mean, we're just in the very preliminary stages of looking at the range of penalties, and we're drawing up a chart that will give some comparative data on it. But right now the law says they are, the range of penalties is much lower than that, and so the risk is very low also for these traffickers. And the range is anywhere from 3 months to a year and then in some countries maybe 5 to 10 years, and only with aggravated circumstances, you know, do you add on years. And very rarely are those sentences, are the judges applying the sentence at the high end of the range right now.

So I think that would be something that could be very helpful in reducing trafficking. The more risk there is, the less people want to be involved.

Mr. SMITH. And then to move quickly to a successful prosecution of these people, and that's a matter of prosecution strategy. One, we need the tools; second, we need a mind set that goes after them, and I think that's something where Congress, working with the Executive Branch, needs to be very proactive. And I can assure you, using the Commission and our subcommittee, we will do everything we can to promote this or something like this, a hybrid of it, to make sure that we end up with a product and a tool to put these people behind bars for the rest of their life.

Anything further you would like to add before we close up? Yes?

Mr. GALSTER. First of all, I'd like to thank you for your energy and your statement and your basic feeling about the need for the governments to now get on board with this issue. With regard to your statement earlier about—is it H.R.1356?

Mr. SMITH. Yes.

Mr. GALSTER. And the specific part in there about stays of deportation and now this part about prosecution. I think you're hitting the nail right on the head. I think, while you're doing it, it would be great to widen the head of the nail because, as I said in my Statement, there's many forms of trafficking and I'll be the first to admit when I got into this issue in the beginning, I was very focused on the sexual

trafficking and thought this was the most horrendous thing in the world. And it is horrendous. And it's hard to believe that victims of other forms of trafficking could be, you know, having the same kinds of psychological or physical abuse inflicted on them—whether they're women, men or boys.

And I have discovered, through investigations, that it really is happening. So I think it would be the right thing to do to broaden the scope of this, and I also think it would be practical and smart. I'll give you two quick examples.

With regard to Kosovo, we've had reports come in about Albanian traffickers bringing women over to Italy along with some boys and other girls, some for sexual slavery, others to work in restaurants—and that may not seem like a terrible thing except they had to pay off their debts. God knows what's happening to them, working in the basements or the back parts of the buildings. They're kids. These are the same networks. These people are potential sources of information that could help defeat organized crime in these States, and in the United States, and I think as long as you're putting this energy into this, broaden the scope and it will be hugely welcomed by the human rights community and you'll get a lot of support.

Thank you.

Mr. SMITH. Thank you, Mr. Galster. Ms. Shelley?

Dr. SHELLEY. I just wanted to add that I think it's very important to have these public-private partnerships, not just NGO and government and law enforcement. But, as I was mentioning, the increasing advertisement of services in the telecommunications. Advertisements and soliciting women for these activities on the Web, offering children, and there needs to be much more thinking in this area because as we're planning and as all of us have said, this phenomenon is not going away, it's growing. And we've got to think of the ways that it's going to grow and develop in the future, and what we need to do is to plan a strategy that's proactive.

Mr. SMITH. Thank you.

Mr. GALSTER. Can I add one thing? I just forgot. And just because I haven't read recently H.R.1356, just remember that there's a difference between—sometimes—a difference between a pimp and a trafficker, and we have to remember our definition of coercion or force, in which case the person who's controlling the woman would, of course, meet the standards that you've depicted in which case they should be prosecuted. Thanks.

Mr. SMITH. Well, in the bill we clearly delineate exactly what a trafficker is. The definition is explained.

Mr. GALSTER. Right.

Mr. SMITH. I want to thank you for your excellent work, all four of our distinguished witnesses. Thank you for doing so much on behalf of the women and men who are exploited. We will continue to be in touch with you to get your insights and your counsel. Again, I want to thank you deeply.

This hearing is adjourned.

(Whereupon, the hearing was adjourned at 4:09 p.m.)

APPENDICES

LETTER FROM ASSISTANT SECRETARY OF STATE
HAROLD HONGJU KOH TO
CHAIRMAN CHRISTOPHER H. SMITH



United States Department of State
*Assistant Secretary for Democracy,
Human Rights, and Labor*
Washington, D.C. 20520-7802

June 28, 1999

Dear Mr. Chairman:

The Helsinki Commission is focusing attention today on an issue of high priority to the Clinton Administration and the Secretary of State. I regret that I cannot be present today in my role as OSCE Commissioner.

Trafficking is an egregious human rights violation that affects men, women, and children. I am delighted that my friend and colleague, Ms. Anita Botti, will brief you today on her most recent trip to OSCE offices in Europe where she is assisting in the development and implementation of worthy and effective measures. The President's Interagency Council on Women, with whom Ms. Botti works, has done an outstanding job in helping formulate the U. S. government's overall response to trafficking. Under Secretary Albright's leadership, my bureau has been working diligently on this issue, together with the Council and the State Department bureaus of International Narcotics and Law Enforcement; Population, Refugees, and Migration; and regional bureaus. I have recently had the great privilege of traveling with Secretary Albright to Asia where this has been high on her agenda in her meetings with government officials and with NGOs seeking to prevent and eliminate trafficking.

I commend you, Mr. Chairman, and the other Commissioners for today's important hearing. I intend to work with you to ensure the OSCE continues to address this issue in the future and I look forward to examination of this pressing question.

Sincerely,

Harold Hongju Koh

The Honorable
Chris Smith,
House of Representatives.

**TESTIMONY OF ANITA BOTTI,
DEPUTY DIRECTOR FOR INTERNATIONAL
WOMEN'S INITIATIVES, PRESIDENT'S
INTERAGENCY COUNCIL ON WOMEN**

JUNE 28, 1999

Chairman Smith, thank you for the opportunity to testify this afternoon on trafficking in women and children and the U.S. Government's strategy to combat trafficking in Europe and around the world. It has been a pleasure to work on this issue with the Commission on Security and Cooperation in Europe and staff over the past several months.

Of all the human rights abuses to which the international community has turned its attention, the trafficking of human beings, predominantly women and children, is clearly one of the most egregious violations of our time.

The problem of trafficking is not new. It has been endemic in South and Southeast Asia for decades. Now, the countries of the former Soviet Union (FSU) and Eastern Europe are experiencing a regional crisis in trafficking. There has been a dramatic increase in the trafficking of women and children from the FSU and Eastern Europe in recent years because of the large number of unemployed women and the proliferation of organized crime organizations lured to the business by high profits, weak laws and penalties for traffickers.

The former Soviet Union and Eastern Europe make up what is probably the fastest growing region for trafficking source countries. Approximately 175,000 women and children are trafficked from this region to Europe, North America, Asia, and the Middle East. Most are trafficked to Western Europe, particularly Germany, Italy, and the Netherlands.

The President, Secretary of State, and Attorney General have shown tremendous commitment to combating trafficking and the Department of State, Department of Justice and other relevant agencies have made significant progress over the past year to advance the Administration's anti-trafficking strategy of prevention, protection, and prosecution.

The United States Government response to this issue is led by the President's Interagency Council on Women. The Council is a task force of high-level USG representatives charged with implementing the Platform for Action, adopted at the 1995 U.N. Fourth World Conference on Women in Beijing. The Secretary of State is the Chair of the Council and the First Lady is the Honorary Chair. The President has directed the Council to lead the development and coordination of U.S. domestic and international policy on trafficking in women and children, as part of the USG's broader commitment to eliminate violence against women around the world.

Within the Department of State, we have mobilized each regional bureau and the bureaus of Democracy, Human Rights and Labor, International Narcotics and Law Enforcement, Consular Affairs, Diplomatic Security, and Population, Refugees and Migration. Throughout the federal government, the Council has coordinated the efforts of the Departments of Labor, Justice, Health and Human Services, the U.S. Information Agency and the U.S. Agency for International Development.

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

The problem of trafficking in human beings involves the recruitment, transport, harboring, transfer, sale or receipt of persons within national or across international borders through fraud, coercion, force or kidnapping, for purposes of placing persons in situations of slavery-like conditions, forced labor or services. Examples include forced prostitution, domestic servitude, bonded sweatshop labor or other debt bondage.

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

We see cases where traffickers lure girls from a village and force some of the girls to work in domestic servitude or carpet-weaving, while others, considered more attractive, are culled out and sold to brothels. Thus, in the fight against trafficking, there are practical reasons why the U.S. Government does not limit its efforts to one form of trafficking over another.

International organized criminal networks lure women by posting advertisements or recruiting for jobs overseas for modeling, dancing, waitressing and other kinds of activities involving prospects for travel and cultural experiences. Once the women arrive, however, they are forced into involuntary servitude or other forms of slavery-like conditions.

Over one million women and children are trafficked around the world each year. Over 50,000 of these women and children are trafficked into the U.S. annually, primarily from Latin America, the former Soviet Union and South East Asia. Russia, Ukraine, Poland and the Czech Republic are major countries of origin in Central and Eastern Europe. Roughly 4,000 are from the former Soviet Union and Eastern Europe. These are conservative estimates. It is worth noting that of these 50,000, approximately half are trafficked into coerced or bonded sweatshop labor and domestic servitude.

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

Today I want to focus on the important role to be played by OSCE in the fight against trafficking. Eradicating trafficking will only be possible if countries of origin, transit and destination are committed to working together cooperatively to find economic alternatives for women, legal remedies, and reintegration and protection programs for victims of trafficking. As a result, OSCE is an excellent forum in which to address the trafficking issue. Membership includes origin, transit, and destination countries.

OSCE participating States have adopted a commitment as set out in the 1991 Moscow Document to "seek to eliminate all forms of violence against women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures."

OSCE fora, including the Permanent Council meetings, provide opportunities to raise concerns about the failure of States to honor this commitment and focus attention on how we can work together toward achievement of our goals to eliminate this scourge. I am pleased to have participated in two OSCE supplementary human dimension meetings which addressed this issue, in Warsaw in November 1998, and more recently in Vienna this month with members of your staff.

Achievement of progress on eliminating trafficking requires cooperation among states. The OSCE is an organization founded on the principle of cooperation. This concept is not abstract. From my participation in meetings, I can attest to the high quality of debate in OSCE fora. More importantly I can attest to the willingness of States to work together to tackle this problem.

As you know, what makes the OSCE so effective are not merely the commitments States have made to uphold high human rights standards but the effective mechanisms OSCE has created to review implementation of those standards.

Also impressive is the operational and practical nature of the OSCE. With Missions in 20 OSCE-participating States, the OSCE takes its message to the field all across the OSCE region.

OSCE institutions are also vehicles of action. The Office of Democratic Institutions and Human Rights (ODIHR) creates programs to assist States implement commitments.

I believe the OSCE offers an excellent venue to tackle the problem of trafficking. Can it do more? The answer is yes, and we are working to ensure that it does.

First, the USG has seconded an expert to the Office of Democratic Institutions and Human Rights to examine the problem of trafficking in the OSCE region with a view to recommending programs to assist States in addressing this matter. This study and the program recommendations it makes will focus on providing better protection for victims—a much neglected facet of the trafficking problem. Improving protection will enable States to do a better job in preventing victims from living repeated human rights violations and in making victims more willing to cooperate in the prosecution of traffickers. We strongly support greater ODIHR attention to creating programs to combat trafficking.

Second, we will continue to hold participating States to their commitments to combat trafficking, and to speak frankly in OSCE fora when they do not.

Third, we are exploring ways to enhance OSCE commitments to address trafficking. We are looking to the study described above to instruct us in this endeavor.

Fourth, we will use OSCE fora to strategize about how OSCE participating States can effectively cooperate to combat trafficking. I came away from the recent Vienna meeting impressed by the potential the OSCE offers to bring all the players together. The State Department is committed to working with you and your staff to tap that potential in the fullest possible way.

Currently, we have multilateral and bilateral initiatives underway with the European Union, the United Nations, Italy, the Baltics, Ukraine, and Finland to combat trafficking.

We are developing and implementing a comprehensive and integrated strategy with the government of Ukraine to combat trafficking.

The United States and Italy have launched an initiative focusing on the protection of victims, cooperation with NGOs, training for law enforcement, and strengthening cooperation of our criminal justice systems.

Recently, the United States and Finland agreed to collaborate on an initiative to assist in the prevention of trafficking and violence against women in the Baltic countries.

There are now fears and some indications that organized criminal elements are trying to take advantage of refugee women and children displaced by the conflict in Kosovo. One concrete action that the OSCE can take is to ensure that the trafficking of women and children is addressed as part of the peace process in Kosovo. Women and children in post-conflict situations—those displaced from their homes and particularly in refugee camps—are extremely vulnerable to trafficking.

We are grateful for your leadership on this issue. We have high regard for Commission staff, with whom we have had the pleasure of working in recent months. We look forward to future collaboration.

As Secretary of State Madeleine Albright has said, “Our goal, ultimately, is to mobilize people everywhere so that trafficking in human beings is met by a stop sign visible around the equator and from pole to pole.”

**TESTIMONY BY STEVEN R. GALSTER,
EXECUTIVE DIRECTOR, GLOBAL SURVIVAL NETWORK**

JUNE 28, 1999

Thank you, Chairman, and other members of the Commission, for inviting me here today to speak briefly about the trafficking of women and girls for sexual exploitation in OSCE states. I have been asked by your commission to share my perspectives on this issue, as well as my views on how the United States Government can best assist in the fight to eliminate the trafficking of women and children in the OSCE region.

The organization that I direct, Global Survival Network (GSN), has conducted in depth field research into this issue and has led advocacy and education campaigns to combat human trafficking since 1995. Much of our research has focused on the former Soviet Union and Europe, and more recently, parts of Asia and the United States. Our most recent investigation into human trafficking on Saipan, a US territory, was profiled on ABC television's *20/20* several weeks ago. Our investigations have been profiled on CNN, ABC, New York Times, last month's Washington Post, last week's Washington Times, and many overseas media outlets. GSN has also interacted intensively with the US government at the policy level on this issue. Our staff have conducted numerous presentations for Department of State personnel, US law enforcement, and USIA delegations.

First a word about GSN's approach to this issue and our research methodology. GSN is an environmental/ human rights, investigative research organization, with offices in Washington, D.C. and Vladivostok, Russia, and projects in the United States, Russia and Asia. GSN focuses on trans-national criminal threats to civil societies; helping to expose these threats with credible research; and then working with local NGO's and governmental agencies to foster effective, trans-national reform measures.

GSN has a human trafficking program which focuses on the international trade in people for forced labor, including sweatshop labor, forced prostitution, and domestic servitude. We initially viewed the trafficking of women and girls for forced prostitution in its own special category that required its own special attention. However, our own investigations into human trafficking operations revealed that the victims of sexual trafficking, sweatshop labor, domestic servitude, and other forms of forced labor, are all victims of the same kinds of labor and human rights abuses.

The mechanisms of trafficking and the forms of abuse are quite similar. We even discovered some trafficking networks that trafficked women for sexual slavery, while trafficking men for other forms of forced labor, using the same channels and methods. I am not saying that being sold into sexual slavery is the same thing as being sold into a sweatshop. I am saying that the victims in both cases are slaves; the traffickers are, in both cases, violating existing labor and human rights laws and treaties; and the traffickers are in both cases inflicting deplorable psychological and physical abuse.

In mid 1994, I came across a human trafficking group in the Russian Far East while investigating the trafficking of endangered wildlife between Russia and Asia. After confirming that local police were not interested in pursuing the matter, and that local NGO's were too

afraid to, GSN decided to launch an investigation, which lasted 2 years and took us to numerous countries, including China, Germany, Switzerland, Japan, Macau, Canada, and the United States. Our focus was on the trafficking of women and girls from the former Soviet Union (CIS) for forced prostitution. We established a New York-based dummy company that purportedly specialized in importing foreign women as escorts and entertainers to the United States. Under the guise of this company, GSN successfully gained entree to the operations of a number of international trafficking networks based in Russia and beyond. Many of our interviews with traffickers were recorded with hidden cameras. We utilized the film from our camera work to create a documentary film and report which provide unique insight into the trafficking underworld in action. The report, "Crime and Servitude," I am submitting for the record.

I will summarize what I saw during our investigation and what we concluded in our report, as it relates today to your focus on trafficking.

First, however, let me clarify that the definition we use for "trafficking,"—again based on what we have seen in our research—includes the use of deception, coercion (including the use or threat of force or abuse of authority) or debt bondage, or all of the above. Often the word "trafficking" is used to describe a situation when an independent, albeit poor woman pays someone to help get her from one country to another where she can find work as a sex worker, while controlling her own movements and earnings. That is not trafficking, in our view; that is facilitated migration. This relates to my first observation:

1. We found 4 types of women and girls involved in the sex trade, many were victims of sexual slavery, some were not:

First type. Those who had been completely duped and coerced into being sex workers. These women/girls expected to perform some other line of work. Many of them came from rural areas, and I noticed many from Ukraine;

Second type. Those who were told half-truths by their recruiters about their employment. For example, they may have been told they would have to dance and strip for clients, but not that they would be expected to perform extra services (like having some form of sex with the client), and/or that the sums of money they were promised were completely fictitious. In most cases, these women experienced little to no freedom of movement outside of work because they had been put in debt bondage circumstances and were not allowed to keep their own passport.

Third type. Those who were adequately informed of the type of work they would be performing, did not want to do it, saw no viable economic alternative, and therefore knowingly relinquished control to their trafficker who exploited their economic and legal situation for financial gain, while maintaining the women in debt bondage situations as described above; and finally,

Fourth type. There were those women who were adequately informed of the type of work they would be performing, were not uncomfortable performing it, and were in control of their finances and had relatively good freedom of movement. Under the definition of

trafficking that I cited above, this type of woman would not have been trafficked, unless, one could easily argue, she was under the age of 18.

2. Recruitment Practices were nearly uniform for women in the first 3 categories:

- Those who were completely duped and/or coerced had responded to public ads or word of mouth offers to work abroad as waitresses, au pairs, entertainers, and the like. Behind the newspaper ads, or word of mouth offers, is usually a small to medium size company, which is often not legally registered, run by as few as 2 people who, through their local and international contacts, arrange visas and transport from the country of origin to the country of destination.
- Those who were adequately informed of the work they would perform (while uncomfortable with being a sex worker, but seeing no viable economic alternative), often found the work opportunity through a friend who was also going abroad to be a sex worker, or had already been abroad in this capacity.

3. Modus Operandi of Trafficking Networks:

Trafficking networks vary in size and nature. A trafficking network can range from a 4 person show to a large operation. I saw apartment-based operations in Moscow and Vladivostok, where one or two people would recruit women and send them abroad to a place where they had a business associate who ran a night club/brothel. I saw larger groups that operated out of Russia-based travel agencies that had travel agency partners abroad involved in the scheme. I also saw a marriage agency, financially backed by a Mafia bank in Moscow, that was, in addition to facilitating marriages, trying to traffic women to Canada and import women from Thailand. The variations go on.

Main features of the way all of these trafficking networks operate include the following:

- Up front financial arrangements between trafficking associates: verbal or written contracts are struck between a trafficker in the country of origin and the trafficking associate in the country of destination which stipulate a lump sum payment from one party to the other for the sale or rental of the woman/girl based on the amount of time she is used for sexual purposes. For example, a Russian trafficker I met was being paid by her Australian associate \$2,000/woman for every week the trafficked woman stayed in Australia.
- Preference toward total control over the sending and receiving operations. Many trafficker prefer to keep their operations tightly controlled within their own group, allowing them to control both ends of the trafficking route. For example, a small Turkish trafficking group I met, based in Berlin, traveled to Latvia, where they recruit and transport women back to Berlin, setting them up in inexpensive apartments for sexual visitations. By the way, one of the women they recruited told me she had been promised a job as a dancer, not as a sex worker.

- Contracts or Verbal Agreements are established with the trafficked woman/girl: traffickers create verbal or written contracts with the woman/girl being trafficked, including sums of money promised, and warnings of financial and other penalties that will be incurred if she fails to follow the rules of her boss. The sums of money promised are usually fictitious. The warning about penalties are not. For example,
- Many trafficked woman enter the country of destination with legal documents, secured in duplicitous ways. Through their international contacts, the traffickers secure paper work to get a legitimate visa for the woman/girl to enter the country of destination. The paper work will be a letter of invitation to work, study, or tour in the given country of destination. The paper work will come from a legally registered company, like a travel agency, restaurant, club, etc. This means, for instance, that the small group of Turkish men mentioned above, might control or be connected to a travel agency or restaurant in Berlin which is legally registered and can write a legal letter of invitation, which is used to get her a tourist or work visa to come to Germany. I met women in the New York area who had paid \$5,000 for a student visa, secured from a midwestern university, and \$1,000 for their plane ticket to the U.S., where they were told they would get some kind of job. After their first 2 weeks, in which they sat in a crowded apartment, they were told that they would be strip-tease dancers.
- Recruitment Fees are always demanded: Traffickers promise the woman/girl a job, but she must pay him for this opportunity to work abroad. Since most of the women/girls do not have the kind of money demanded of them, they are given the opportunity to work off their debt. Alternatively, the woman/girl can borrow the money up front at usurious interest rates, either from the trafficker or a money lender.
- -Girls can have their passports forged. For example, one trafficking network told me how they forge underage female's passports to show they are adults, simply by paying someone in Russia's Foreign Ministry \$800. In another case, I met a Russian woman trafficked to Germany who was carrying a Polish passport, secured through a criminal structure linked to the traffickers. Polish citizens can travel to Germany for short periods of time without a visa.
- Once having transported the woman to her destination of work, the traffickers take away her passport and keep it;
- The traffickers also keep control over her earnings, paying her whatever and whenever they want;

- Peonage is often exercised gradually. In almost all cases we reviewed in our investigation, which numbered more than 50 women (only a few were girls), control over their freedom of movement and control over their own money and bodies was taken by traffickers and pimps gradually. The fact that the women and girls had been duped and/or coerced into performing services they did not want to perform, or work longer hours under bad conditions for little to no money, did not occur to them for several weeks or more, by which time they are stuck and too tired and afraid to fight their boss(es). They become fixated on the need to repay their debt and make some profit for themselves—and often their families back home.

4. Trafficked Victims’ Fear of Authorities—even NGOs—is Widespread, especially among CIS-based Women:

For 3 main reasons, all the women and girls we met who had been trafficked from the CIS feared taking their case to local police because:

- a. having lived under formerly autocratic and now corruption-laced governments, the victims of trafficking feared the police as much as they feared their trafficker and/or pimp. They did not trust either, but they still felt they had to hide behind their trafficker for fear, ironically, of being turned in by him—or her;
- b. the notion of “non-governmental” organization (NGO) was alien to the victims, and suspected of being linked to the government. Therefore, few women from the CIS region would seek health or counseling assistance from local groups. This is changing in some countries where local NGO’s have improved their outreach capabilities;
- c. the victims realized that if they revealed the nature of their work, they could be deported for working illegally as an alien, and as a prostitute. Deportation, while seemingly an option for escape, would actually lead to retribution by the trafficking network, which would at the very least call in the sizeable debt incurred by the victim who agreed to the contract mentioned earlier. Even worse, by going to the police, the woman puts her life in danger. There have been cases where these women have been threatened, beaten, and even killed by traffickers.

RECOMMENDATIONS

I believe the US government is now moving in the right direction to combat trafficking on US soil and abroad. This is an enormous problem that cannot be tackled overnight. Still, I think more can be done faster, so long as enough resources are made available, resources are used more effectively, and law enforcement authorities are enabled to negotiate with victims in good faith, in order to successfully investigate and prosecute traffickers.

Specifically, US policy on this issue should emphasize the following components:

1. INCREASE PUBLIC AWARENESS

Equipping women and girls at risk with information about the nature and dangers of trafficking is a vital part of combating trafficking. Traffickers prey on those who are cut off from the realities beyond their own neighborhood, much less their national borders.

Effective public awareness efforts should be channeled through grass-roots organizations and via mass media outlets that reach far and wide. USIA and USAID grants can, and are now, being made available for this kind of work. I would like to see more of the public awareness design work, and money for these programs, being controlled by local organizations.

2. INCREASE ECONOMIC OPPORTUNITIES FOR WOMEN AT RISK

Traffickers also prey on economically desperate women and girls. Some of the women and girls may know that traveling abroad with an unknown company, or working as a stripper or even sex worker, is dangerous. But they are desperate for the money and willing to take risks. US foreign aid to CIS countries should emphasize economic opportunities for women. US government grants and loans should also focus on developing local capacity to shelter, counsel, and train victims and potential victims of trafficking. Again, these grants and loans should have a stipulation that overseas implementors have an equal voice in how programs are designed and how the money is spent.

3. EMPHASIZE NATIONAL CIVIL RIGHTS LAWS AND INTERNATIONAL HUMAN RIGHTS TREATIES IN ANTI-TRAFFICKING ENFORCEMENT ACTIVITIES.

Women and girls forced into prostitution — or who feel stuck in it—are just as entitled to civil and human rights protection as the next person. In many states in the OSCE, women in general—especially women who are willing or even unwilling sex workers—are deprived of these rights and treated as second class citizens. When they are mistreated, cheated, beaten, raped, or even killed, the attitude is often “well what did she expect getting into a business like this?”

It is worth recalling the existence of several international, anti-slavery instruments, which should be taken into account before OSCE states create new laws or agencies to fight slavery:

- Slavery Convention of 1926
- 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;
- International Labour Organization Conventions on Forced Labour (No. 29), Abolition of Forced Labour (No. 105), On Freedom of Association (No. 87), and Protection of Wages (No. 95);
- United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- Universal Declaration of Human Rights; and more.

4. APPLY THESE CIVIL AND HUMAN RIGHTS LAWS/TREATIES TO IMMIGRATION LAWS TOO

Traffickers benefit from most OSCE states' existing immigration laws. In most countries, authorities are obligated to arrest and deport alien women, girls, men and boys found to be working illegally, even if it may appear they are working under force or duress. The trafficker often escapes justice, largely because the witness has been

sent home. With more unwitting victims widely available, the trafficker knows that he/she can continue his/her profitable and relatively risk free business.

A more humane, and I believe effective, response to trafficking would provide a victim with a stay of deportation for at least the period during which the investigation and potential trial against the trafficker takes place. In the case of sex trafficking, during her stay, the woman should be provided shelter, food and counselling, and be allowed to apply for asylum if she can demonstrate that she risks facing physical danger by returning home. Women who have been victimized in the most brutal ways should not be further endangered and humiliated by a strict, undiscerning immigration law. Also, don't forget that these women are potential sources of information that aid law enforcement actions against organized crime groups. But they must be guaranteed protection. This point cannot be overemphasized when talking about potential witnesses who are under the control of large or small organized crime groups from the former Soviet Union.

5. OSCE GOVERNMENTAL POLICIES SHOULD RECOGNIZE FORCED PROSTITUTION AS A FORM OF FORCED LABOR, INSTEAD OF TREATING IT IN A SEPARATE CATEGORY.

Regardless of a nation's laws on prostitution, a woman or girl who is lured into a forced prostitution situation is enticed, trapped and abused the same way a woman, girl, man or boy is trafficked to work as a domestic servant, or sweatshop worker. They are all deceived about their pay, they are all kept under tight control with no practical legal recourse for help, and they are all robbed of their human rights as a person and a worker —legal or illegal. Furthermore, each of these types of victims are subject to similar psychological and physical abuses, and they are often trafficked through similar channels, sometimes by the same networks.

6. TRAIN GOVERNMENTAL PERSONNEL IN THE REALITIES OF, AND APPROPRIATE RESPONSES TO, TRAFFICKING.

These personnel should include: police, immigration, domestic violence hot line operators, and embassy personnel. The current administration has reached out to the local and international human rights and women's right communities on this issue, and as a result we have seen a sincere, effective exchange of information that has benefitted everyone. My organization, for instance, has provided training to US embassy personnel, California police, Albanian officials and NGO's, and others. Other groups have done the same. This kind of exchange should continue and expand across the United States and other OSCE countries.

I will be happy to answer any questions you have about the above testimony, as well as questions about how U.S. policy on this issue can be improved.

**WRITTEN STATEMENT OF DR. LOUISE SHELLEY,
DIRECTOR, CENTER FOR THE STUDY OF TRANSNATIONAL
CRIME AND CORRUPTION**

JUNE 28, 1999

TRAFFICKING IN WOMEN: DEFINING THE PROBLEM

The illegal movement or “trafficking” of human beings—particularly women and children—across national borders for the purposes of prostitution, pornography, domestic servitude, and sweatshop labor is a growing global phenomenon. One of the areas of the world where trafficking is growing fastest is the former Soviet Union. High levels of poverty and unemployment in Eastern Europe and the NIS afflict women and the children they support and make them vulnerable to criminal schemes enticing them to work abroad. Human trafficking, particularly in the former Soviet Union, is clearly a growing problem and serving as the fuel for strengthening organized crime networks throughout the region. Yet it is also a problem, particularly in the poorest countries of Eastern Europe and in particular, the Balkans. More affluent Eastern European countries are not immune from this problem. An American investigation helped disrupt a group of traffickers from the Czech Republic to the United States.

Some studies suggest that Slavic women may have overtaken all other ethnic groups in terms of their numbers trafficked to the “developed” countries of the North America, Europe, and Asia.

Trafficking helps perpetuate systemic government corruption. It helps fund the expansion of other organized crime activities as traffickers are often also engaged in trafficking arms and drugs. The quick and continuous profits made from trafficking also permit the criminal organizations to expand into other areas of illicit activity.

The women trafficked from the NIS and Eastern Europe are often educated. Their situation contrasts sharply with that of women in developing countries who often have very little education. Much of the problem is tied to the collapse of the economy in the region and the absence of alternatives for women in societies that once guaranteed jobs, child care and health benefits.

Contributing to the problem is the widespread phenomenon of organized crime in the states of the former Soviet Union and Eastern Europe. Children are also trafficked out of orphanages for the purposes of adoption, organized crime intercedes to illegally deprive parents of their parental rights and to extract payments from adoption agencies. While some of the trafficking of women is carried out by small groups of individuals, in many cases, it is carried out by organized crime groups which have extensive foreign linkages. Their ability to threaten the women under their control and to threaten retaliation against family members at home because of the long reach of the criminal organizations makes the women particularly vulnerable. In Belgium and the Netherlands where many of the women are trafficked (Dutch research reveals that one-third of the female prostitutes there originate from Ukraine), parliamentary inquiries were held in the mid-1990s because of the extreme level of violence applied against these women.

Authorities in many of the recipient countries of Western Europe and in the United States have made little headway against this phenomenon. The number of women in the U.S. is significantly below those found in Western Europe or in Turkey. Israeli authorities have tried to expel some of the trafficked women brought to Israel on falsified documents. Korean authorities broke one ring in Pusan.

One French telecommunications executive informed me that he had seen an advertisement on the minitel (the system used widely in France instead of the web) offering individuals the chance to do anything with Romanian children. He sent a message to the advertisers that they were cooperating with French law enforcement. This was not the case but the advertisement disappeared from the system.

Law enforcement, except in a few distinct cities in Europe, is not particularly motivated to address the problem of trafficking in women. Those that do try to address this problem have faced insurmountable difficulties. Many of the women refuse to cooperate with the authorities because there are little or no protections and they face deportation and threats against their families if they cooperate with foreign law enforcement. Second, often the law enforcement authorities do not know the women's country of origin because the organized crime groups have deprived the women of their passports. Thirds, western law enforcement that forwards inquiries concerning trafficking investigations usually gets no response through Interpol because the central office of Interpol in the former NIS states has almost no links to the communities from which the women are trafficked. Therefore, western police officials often give up trying because there is no way they can complete an investigation.

The failure of NIS law enforcers to address the problem is a result of many factors. According to survey research recently conducted in Russia by MiraMed, many citizens mistrust law enforcement personnel believing law enforcers are highly corrupt. The organizations involved in publicizing the problem of trafficking or helping to protect and rehabilitate victims of trafficking crimes are distrustful of the local police and fearful about sharing information with them. Because they are aware that many local level police are on the payroll of organized crime groups within their communities. Many NGO personnel worry that their lives and the lives of the victims they are trying to protect will be endangered if they turn to the police for help.

The trafficking phenomenon crosses the boundaries of the former Soviet Union and into Eastern Europe. While links among the law enforcers in these regions have broken down, the criminals maintain the ties they developed during the Soviet period. Russian and Ukrainian women are trafficked through Georgia to Turkey and Mediterranean countries. Ukrainian women are trafficked in large numbers to Russia. While strong legislation to address trafficking has been adopted in all of these countries, the problem of implementing this law is a major problem.

Russian women are trafficked from the Far East to Japan, Korea, China and other destinations in Asia.

Local Russian/NIS law enforcement agencies and prosecutors tend not to prioritize the prevention and prosecution of human trafficking from their regions. In fact, they tend to view women who are trafficked as deserving of their fate or motivated by financial necessity and tend not to be interested in investigating or prosecuting crimes involving sexual trafficking and prostitution.

The inability of law enforcement personnel to act against the phenomenon is undermined by their lack of knowledge and training in combating organized crime. Because human trafficking crimes are a relatively new phenomenon in Russia and the NIS, law enforcement officials and prosecutors are inadequately trained to prevent trafficking or to investigate and prosecute traffickers. Law enforcers from the NIS are still largely being educated with a curriculum from the Soviet period, in which organized crime is not even addressed. Many law enforcers are therefore not aware that organized trafficking of women and children exists and is a major profit-making activity for organized crime groups in their countries. Moreover, they do not realize that the large profits from trafficking are used to fund other forms of organized crime activities, and that many of the traffickers simultaneously traffick in arms and drugs.

Those interested in addressing the problem in the former Soviet Union are often helpless because of its international dimensions. Without the knowledge of whom to communicate with abroad and the financial resources to facilitate the communication, even the best intentioned law enforcers cannot pursue investigations. Duma hearings in Russia in 1997 revealed that Interpol was receiving numerous inquiries from foreign law enforcement about women trafficked from the former USSR but was not capable of acting on the inquiries received. There were no mechanisms to transfer or obtain information from the regions where the women were trafficked. Western law enforcers were, therefore, frustrated in the efforts to break trafficking rings because they obtained no assistance from the Russian side.

The apathy and lack of capacity on the part of law enforcement and fear on the part of NGOs and QGOs (Quasi-Governmental Organizations) permits a chasm between these groups to persist. It is imperative that these two sets of actors overcome fears, biases, and misperceptions and come together to assist one another in the investigations and prosecutions of trafficking crimes and in the protection and rehabilitation of trafficked victims. By facilitating international connections. It should be possible to increase successful prosecutions without jeopardizing the lives of trafficked women.

THE MAIN FEATURES OF THE TRAFFICKING PROBLEM ARE:

1) **Heavy Involvement of Organized Crime.** Trafficking in women is organized by both larger and smaller organized crime groups. Groups from the NIS states often work with their colleagues in Eastern Europe to traffic women to Europe. Groups in the Russian Far East work with Japanese and Korean organized crime to transport women to Far East countries. Few countries have managed to break any of these organized crime rings despite violence and even killing of women.

Organized crime groups are using a level of coercion not previously used against women. This has been done to gain a foothold in the lucrative prostitution markets of Western Europe. The international crime links of the crime groups allows them to intimidate the women abroad and to threaten their families at home if they fail to cooperate.

Czech authorities have investigated a case of a woman tortured before death because she refused to cooperate with the traffickers. A major Macao- Hong Kong-Russian investigation was conducted after

a Russian prostitute trafficked to Macao was killed in Vladivostok along with her wealthy Hong Kong barrister boy friend who had come to Vladivostok to buy her out of prostitution.

2) Lack of Capacity and Motivation. Law enforcement in the region has not had training in combating trafficking in women and children. Much of the recruitment of trafficked women is going on in regions where law enforcement has no possibility of following up on the international groups which are trying to recruit women through advertisements. The absence of money to send faxes, make telephone calls or maintain computers frustrates any efforts to promote investigations even when the law enforcement will is there.

3) Complicity and Corruption in Law Enforcement, Passport Services and Consular Divisions. The corruption of law enforcement, passport services and consular divisions which facilitates the trade in women is not confined to the NIS or Eastern Europe but exists in other countries as well. Investigators at the U.S. State Department found that a foreign national working in the visa division of our embassy in Prague was issuing visas for Czech traffickers to bring women to the United States. Our country is not alone as accusation have been made of corruption in the consular divisions of Western European countries which have facilitated the trafficking of women.

Corruption within NIS law enforcement, border guards and passport services contributes to trafficking of women in the following ways:

- A. Passport services issue phony passports to facilitate trafficking. A few years ago an organized crime group operating out of Georgia was broken. It trafficked Russian and Ukrainian women through Georgia to Turkey on purchased Georgian passports. The benefits of the Georgian passports was that there is a visa free arrangement between Georgia and Turkey thus allowing women to be trafficked to Turkey easily.
- B. Pay offs made at the borders to border guards to look the other way
- C. Pay offs are made to local police to tolerate brothels in their communities or to tolerate individuals recruiting women for prostitution. Research done in a specialized labor camp in Russia for former governmental officials and law enforcement personnel revealed that there is organized corruption. Therefore, 90% of surveyed law enforcement officials revealed that they passed bribes up the command chain. Therefore, the higher levels of law enforcement are profiting from the payments made at the local level.
- D. Infiltration of Interpol and its information channels to local law enforcement means that efforts to attack the international links of the crime groups may be undermined by corruption in NIS law enforcement.

4) Absence of Law Enforcement Links. Organized Crime and Trafficking is functioning with facility across borders of NIS, to Eastern and Western Europe, Asia and U.S. but limited law enforcement links exist among these regions which would facilitate tracking of trafficking rings and promote joint investigations. Law enforcers in the NIS do not know to whom to turn to abroad and the same is true of western and Asian law enforcers.

5) Absence of Victim Protection. Western countries do not have adequate systems of protection for victims of traffickers. . Therefore, women who are trafficked are afraid to contact western law enforcement authorities and are assured no protection when they are returned home. American law enforcers who have located trafficked women in the course of their investigations have no mechanisms to help them within our country. This complicates their ability to get these women to testify in trafficking cases.

WHAT CAN BE DONE

1. Encourage links among law enforcement from the United States, Western and Eastern Europe, NIS States and Asia. This can be done through network meetings. ILEA, the law enforcement training academy in Budapest, can be used to facilitate meetings.
2. Enhance training to ensure that law enforcers know how to investigate trafficking in women and understand the links between organized crime and trafficking in women
3. Support development assistance to provide women financial alternatives—Gameen bank for women in the NIS and Eastern Europe would be very useful because women are educated and man would not be vulnerable to seductive advertisements if the had financial alternatives
4. Support educational and media programs that instruct women that organized crime controls much of this activity and they are selling themselves into debt bondage often accompanied by violence
5. Continue U.S. investigations of fraud in the visa and passport branches of overseas embassies. Encourage organized crime strike forces to focus on these issues.
6. Develop legislation to promote protection of trafficking victims and protection for cooperative witnesses in trafficking cases. Women who are trafficked to the United States are often twice victimized. First, by those who are trafficked. Secondly, they may face personal retaliation or retaliation against their families if they cooperate with American law enforcement authorities.
7. Encourage cooperation between telecommunications companies and law enforcement investigations in the trafficking area particularly in the American-European-Eastern European-NIS area. Cooperation between law enforcement and telecommunications firms has begun in the U.S. to combat trafficking and child pornography. International undercover investigations have been carried out against child pornography. More needs to be done to promote international cooperation and cooperation within Europe between telecommunications companies and law enforcement. This is increasingly important as the traffickers are successfully soliciting customers through the web and other telecommunications systems.

**WRITTEN SUBMISSION OF DR. LAURA J. LEDERER,
DIRECTOR, THE PROTECTION PROJECT**

JUNE 28, 1999

INTRODUCTION

I am happy to be here to share with you the preliminary findings of The Protection Project at the Kennedy School of Government, Harvard University. The purpose of the project is to build a comprehensive database of laws and related materials on the commercial sexual exploitation of women and children.

Trafficking is a global human rights problem, of which the majority of victims are women and children. The Protection Project seeks to create solutions to this problem by gathering information necessary to determine what current resources exist for combating trafficking, and what future actions should be taken. This testimony includes information on the definition and scope of the problem of trafficking. Some preliminary findings of our study are included to quantify the nature of the problem. In conclusion, the testimony includes recommendations for future actions, based on our preliminary findings.

WHAT IS TRAFFICKING?

History. The kidnapping, recruitment, and transporting of women and children dates back thousands of years, but the conceptualization of the activity as “trafficking” first surfaced around the turn of the century. In 1902, the International Agreement for the Suppression of the White Slave Traffic was drafted, urging governments to prohibit “procurement of women and girls for immoral purposes abroad.” It was ratified by 12 countries in 1904. In the United States, this led to the 1910 Mann Act, which forbids transporting a person across state or international lines for prostitution or other immoral purposes.¹ Three decades later, the United Nations responded to the continuing trade in women and children by passing the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others². Forty-nine nations ratified the Convention.

Definition. In recent years, the term “trafficking” has taken on a new meaning. First, some NGOs urged that a distinction be made between women who consented to prostitution and women who were forced into it. In addition, a movement arose to add other forms of forced labor such as domestic servitude, debt bondage and other slavery-like labor practices. Thus, the term trafficking was both narrowed and broadened: among women, only those who were forced into prostitution were considered trafficked, but adults and children transported across borders for other forms of forced, exploitative labor also became included in the new definition of trafficking.³

¹ Barry, Kathleen. *The Prostitution of Sexuality*. New York: New York University Press, 1995, p. 115. Citing *International Agreement for the Suppression of the White Slave Traffic*, May 18, 1904. Her Majesty’s Stationary Office, 1905.

² Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (2 Dec. 1949) A/RES/317 (IV)

³ At present, there is no unanimous agreement among NGOs about the definition of trafficking. The term is fairly loosely applied by NGOs to delineate movements—some say for purposes of prostitution, others say for any kind of forced labor.

Most intergovernmental agencies and NGOs use the term “trafficking” to describe all acts involved in the movement of women and children, usually from one country to another, but sometimes within a country as well,⁴ involving the recruitment, transportation, harboring, transfer, or sale, for the purposes of placing people in any type of forced labor, including, but not limited to forced prostitution, sexual services, domestic servitude, sweatshop labor, debt bondage, or other forms of slavery-like practices. The term “forced” usually means coercion, drugging, kidnapping, violence, threats, intimidation, or other situation where there is lack of consent.⁵

The Three P’s: Prevention, Prosecution, and Protection. The best legislation would cover what we call “the three P’s”—prevention of trafficking, prosecution of traffickers, and protection (social services and other programs) for trafficking victims.

We have found that more than 154 countries currently have legislation that at least minimally targets the prosecution of traffickers by prohibiting the procurement of women and children for the purposes of prostitution or forced labor. Most of these laws were drafted between 1912 and 1960 to address procurement of women and children for the purposes of prostitution or some other form of unlawful sexual purposes. However, these laws are often poorly, if ever, enforced.

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

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

LYDIA’S STORY

Lydia was 19 when she saw an ad in a Ukrainian newspaper calling for dancers. She answered the ad, and had an interview in what looked like a legitimate employment agency. She was told to get a passport and apply for an entertainer’s visa. She was promised the equivalent of \$25,000 per year, an enormous sum by current Ukrainian standards. After she signed a year-long contract, she was shipped, with six other young females, to Haifa, Israel where she thought she was to perform. But when she got there, she was driven to a brothel where her boss burned her passport before her eyes. “I now own you,”

⁴ Some agencies include trafficking within national borders in the definition of trafficking; for instance the Department of State suggests that if women are moved from a rural town in Thailand to a major city for the purposes of forced prostitution, this would be a form of trafficking.

⁵ For children, trafficking is per se coercion. Most agencies agree that minors cannot give consent to be used in domestic servitude, sweatshops, prostitution, or sexual exploitation. For adults, coercion is defined as involving force, misrepresentation, fraud, or other means.

he said. "You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back." Stunned and angry, Lydia refused. She was beaten and raped until several days later she finally succumbed. She was "rescued" two years after when the brothel was raided by Israeli police. But instead of being freed, she was charged as an illegal alien and now sits in a women's prison in Israel, waiting to be deported.

Scope of the Problem. Multiply Lydia's story by hundreds of thousands and a picture of the scope of the problem emerges.

- UNICEF estimates that 1 million children are forced into prostitution in Southeast Asia alone, and another 1 million worldwide.
- An estimated 10,000 women per year are trafficked from Russia into Israel for purposes of prostitution.
- 250,000 women and children from Russia, the newly independent states and Eastern Europe are trafficked into Western Europe, the Middle East, and the United States⁶
- An estimated 20,000 children from Central American countries such as Guatemala and El Salvador are being trafficked for purposes of commercial sexual exploitation.
- Over 50,000 women are trafficked into the United States per year.
- And countless thousands of women and children in Africa, and Central and South America, where we have little information on the scope of the problem.

Of the 155 cases of forced prostitution brought to the courts in the Netherlands one year, only 4 resulted in convictions. Accounts of the arrests police have made in North America show that women are being sold for as much as \$16,000 each to brothel owners. When rescued, women tell stories of debt bondage and sexual slavery in which they were forced to work off a \$35,000 "debt" to a trafficker by servicing twenty to thirty men a day. These numbers and the accompanying accounts illustrate that trafficking is a form of contemporary slavery on par with the African slave trade of the 1700's.

THE PROTECTION PROJECT

For the last four years The Protection Project has been documenting the laws in every country addressing commercial sexual exploitation of women and children. We use this phrase to include:

- Child prostitution, child pornography, and other forms of commercial sexual exploitation of children;

⁶ A quote from a report by the MiraMed Institute published this year gives a glimpse into the problem of trafficking of women and girls from this area of the world. A woman from the Commonwealth of Independent States responded on a questionnaire, "One day last year a well dressed businesswoman came to Uglich in a Mercedes Benz. She told high school girls she met that she would take them to McDonalds in Yaroslavl. They left with her in her car and we never saw them again. And when the same lady came back this spring, she took more girls and they also disappeared. Our girls are too vulnerable."

- Trafficking, forced prostitution, and other forms of sexual slavery; and
- Prostitution and surrounding activities, including soliciting, pimping, pandering, procuring, maintaining a brothel, corruption of a minor, and other related laws.

The project is also documenting:

- Age of majority;
- Legal age of marriage;
- Legal age for consent to sexual relations; and
- Other ages relevant to commercial sexual exploitation of women and children.

Finally, we are examining:

- Range of penalties for these offenses;
- Defenses to the charges; and
- Programs and social services for trafficking victims and more.

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

Methodology. Our work is based on a series of detailed questionnaires. The first two questionnaires went out in 1997 and 1998 to the Ministries of Justice of all 220 countries and territories. In 1997, we sent a five-page questionnaire on prostitution and sexual trafficking to 227 countries and territories. The survey contained 28 questions; five of the questions dealt with trafficking. Countries were asked if they had specific trafficking legislation and each country was asked to provide penal code citations and, when possible, to include a copy of the statutes that address trafficking. Statutes were requested in the original language and in English. In January 1999, we re-contacted each country to ask for an update and to verify information.

Response Rate. The data-gathering phase for these questionnaires is almost complete. To date we have almost 190 responses, giving us a return rate of 85 percent. We are in dialogue with the outstanding countries in an effort to obtain the remaining 30 or so questionnaires, as we would like to have as close to a 100% return rate as possible.

A third questionnaire has been drafted to deal with related human rights issues such as labor, immigration, health, and education. In addition, we will also use this questionnaire to gather methodologically sound data on:

- The scope of the problem;
- Statistics;
- Particularly significant cases coming to the courts; and
- Other information that, working with our advisors, we deem important.

We have offered each country that participates in the survey access to the database and a copy of all final reports we produce. This has provided some incentive for countries to work with us to submit, translate, and clarify their laws. It has also provided us an opportunity to begin a dialogue about the scope of the problem in each country, and official governmental and other responses to the problem.

In most cases, the information we use comes from survey responses, letters, and documents from Ministries of Justice, embassies, and law enforcement agencies. When necessary, we have obtained information through telephone conversations with country representatives. In a few cases, we asked the Library of Congress Law Project to help us translate and interpret statutes. In all cases, the sources are cited in the database.

Whenever possible, we cite the law itself. When the law was sent in another language, or was translated informally, we have sought a legal scholar fluent in the original language to translate the statutes for us and to certify that, to the best of their knowledge, the translation is accurate. In some cases, however hard we tried, the statutes were not available. In these cases, we recorded the country response to the survey, and noted with an asterisk in the alphabetical tabulation that the statute was not made available, so that we were unable to confirm the accuracy of the government's response.

Goals of the Project. As stated above, the purpose of the project is to build a comprehensive database of laws and related materials on trafficking. When all the questionnaire responses are in, we will undertake a comparative legal analysis, to study the strengths and weaknesses of various forms of legislation. We will identify loopholes in laws and examine the laws for their effectiveness, ability to interact with the laws of other countries, enforcement capability, deterrent value, and harmonization of definitions, suspect activities, and penalties with the laws of other countries.

For the time being, we are tabulating the preliminary findings. These results provide us, for the first time, with a global view of the legislative patterns and trends. They also give us a base of information from which to operate as we work to strengthen and improve existing laws in countries.

PRELIMINARY FINDINGS ON TRAFFICKING LEGISLATION

We have the trafficking laws for one hundred ninety-one (191) countries and territories, giving us a preliminary response rate of 84.1 percent. Of these, 176 countries report having some kind of legislation that can be used to prosecute trafficking. Only 15 countries report no such laws. For the most part, in those countries with laws that can be used against trafficking, the statutes take three forms: procuration statutes, procuration with coercion statutes, and "trafficking" statutes. The following is a discussion of these three types of legislation.

TYPES OF LEGISLATION

Procurator Statutes. The term “procure” means to obtain or acquire, and in legal terms for the purposes of trafficking legislation, it means “the act or offence of procuring women for lewd purposes.” Even though the statutes do not use the term “trafficking,” many countries report these laws as trafficking provisions because they cover cases of obtaining and moving human beings from one place to another for purposes of commercial sexual exploitation.

Unlike the prostitution laws, these laws target the procurer. Some cover all forms of procuration. Some cover procuration with movement across borders, some cover procuration within and across borders. The remainder are narrower and cover procuration only when coercive means are used.

Most of these statutes were drafted around 1949 or 1950, after the United Nations passed the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Examples of these two types of procuring statutes follow.

An example of procuration without movement (from Macau):

Criminal Code of Macau
Article 163

163. One who, as a way of life, or for profit, fosters, favors, or facilitates the exercise of prostitution or the practice of sexual acts by another person, exploiting their situation of abandon or need, shall be punished by imprisonment of one to five years.

An example of procuration with movement—intra (within borders) and inter (across borders) from Queensland, Australia:

Offences—Criminal Code
Procuring Prostitution—Section 229G

229G. (1) A person who:

(a) procures another person to engage in prostitution, either in Queensland or elsewhere; or

(b) procures another person

(i) to leave Queensland for the purpose of engaging in prostitution elsewhere; or

(ii) to come to Queensland for the purpose of engaging in prostitution; or

(iii) to leave the other person’s usual place of residence in Queensland for the purpose of engaging in prostitution either in Queensland or elsewhere;

commits a crime.

Maximum penalty—imprisonment for 7 years

Procuration with Coercion Statutes. A procuration with coercion statute is narrower than a procuration statute, because it requires other elements in addition to procuring. Threats, drugs, intimidation, assault, physical force, duress are common elements cited in coercion statutes.

The language in a typical coercion statute, this one from Guyana, reads:

Penal Code of Guyana

158. Everyone who—

(a) by any threat or intimidation procures or attempts to procure any female to have any unlawful carnal connection, either within or without Guyana; or;

(b) by false pretence, false representations, or other fraudulent means, procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal connection, either within or without Guyana; or

(c) applies, administers to, or cause to be taken by female, any drug, matter, or thing, with intent to stupefy or overpower so as thereby to enable have unlawful carnal connection with her, shall be guilty of a misdemeanour offence and is liable to imprisonment for two years...

Trafficking Statutes. There is some confusion about what constitutes a trafficking statute, and even about the definition of trafficking. A number of countries reported having trafficking legislation that was limited to child sex tourism (New Zealand, Sweden, Australia). Other countries report having trafficking legislation if they use the term “trafficking” in the statute. For most countries, trafficking is limited to trafficking for the purposes of prostitution. A few have an expanded definition of trafficking that includes debt bondage, domestic servitude or other slavery-like practices, and forced labor in sweatshops. The following are some examples of three types of trafficking statutes—first, a sexual trafficking law from Brazil; second, a law that mentions both sexual and other forms of trafficking (from Cambodia); and third, a law that addresses all kinds of trafficking.

Sexual trafficking statute from Brazil:

Trafficking in Women

Article 231. Promoting or facilitating the entry into the national territory of women who come for purposes of prostitution, or the exit from the national territory of women to do so abroad:

Penalty—imprisonment of 3 (three) to 8 (eight) years.

If there is use of violence, serious threat, or fraud, the penalty is imprisonment of 5 (five) to 12 (twelve) years, in addition to any penalty imposed for the violence.

Sexual and other forms of trafficking statute from Cambodia:

**Kidnapping of human persons for trafficking/sale
or for prostitution**

Any person who lures a human person, even male or female, minor or adult of whichever nationality by way of enticing or by any other means, promising to offer any money or jewelry, (when) there is no consent, by way or forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale for prostitution, shall be subjected to imprisonment for ten (10) to fifteen (15) years of imprisonment.

In this statute, there is an enhanced penalty if the person trafficked is a child:

“[trafficking/sale for prostitution] shall be punishable by imprisonment of fifteen (15) to twenty (20) years, if such victim is a minor person of less than 15 years old.”

“All kinds” of trafficking statute from Malaysia:

Criminal code of Malaysia
Traffic in female persons.

Any person who buys, sells, traffics in, or procures or brings into or takes out of Malaysia for the purpose of such traffic and whether or not for the purpose of present or subsequent prostitution, any female person, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand ringgit or to both such imprisonment and fine.

**PROVISIONS FOR SOCIAL SERVICES
TO WOMEN AND CHILDREN VICTIMIZED
BY TRAFFICKING AND PROSTITUTION**

Several countries have taken the initiative to mandate social services for those who have been victimized by trafficking and prostitution. In addition to prosecuting the traffickers and preventing further trafficking, governments need to find means to help the women and children who have already been trafficked. Help can come in various forms from mental and physical health services, to safe houses, to economic assistance. Four countries, in particular, have developed legislation at the national level to provide this type of social service.

Thailand—*The Measures in Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997)*. Under this act, an official, appointed by the Minister of the Interior, is charged with giving “appropriate assistance” to victimized women and children, such as food, shelter and repatriation. The act allows the Minister to issue regulations regarding the assistance to be provided by the

official. In addition to providing assistance, the official may also arrange for the victimized woman or child to go to a “primary shelter” as defined in Thailand’s law on the prevention and suppression of prostitution.

Brunei—Chapter 120—Women and Girls Protection. This act vests the authority to implement its provision in a “Commission,” referring to “the Director of Welfare, Youth and Sports and ... other persons as may be declared by the Minister.” The act covers trafficking of women and girls and prostitution.

Places of Safety. Section 13 is a provision for maintaining “places of safety.” It allows the Minister to provide land upon which to build a place of safety for the purpose of carrying out the provisions of the act. The place of safety must be declared such in the *Gazette*.

Section 14 and 15 give the Commissioner broad powers to detain women and girls in a place of safety, as established under Section 13. Section 16 gives the Commissioner authority to prescribe rules to which women and girls detained in a place of safety are subject. Any woman who leaves any place in which she is detained, unless she does so in accordance with the rules prescribed by the Commission, is subject to arrest. However, the Commissioner may order a woman or girl to be removed to another place of safety under Section 17.

Detention of Girls. The Commissioner may, with reasonable cause, temporarily detain any girl under the age of 21 who is suspected of “being trained or used for immoral purposes or lives in or frequents any brothel or is habitually in the company of prostitutes or brothel keepers or procuresses or persons directly interested in the business carried on in brothels or by prostitutes.” If he finds that the girl is indeed engaging in one of these activities, he may detain the girl until further order or until she turns 21 or marries, whichever happens first. Alternatively, the Commissioner may release the girl after arrangements for her welfare have been made, according to his determination.

Detention of Women or Girls. The Commissioner may order the detention of any woman or girl in a place of safety “whose detention is requested in writing by her lawful guardian; whom the Commissioner considers to need protection and whose lawful guardian cannot be found; whom the Commissioner believes to have been ill-treated and to need protection; or whom the Commissioner considers to be in moral danger.”

Netherlands—Detection. Since August 1988, women filing criminal charges of trafficking are eligible for a temporary staying permit in the Netherlands for the duration of the criminal procedures. Witnesses who are not victims themselves can obtain a stay of deportation for as long as their presence is needed for the proceedings. Specific articles under the Netherlands alien laws state that in case of even a small indication or suspicion that a woman may be the victim of trafficking, she should be given the opportunity to decide, without pressure, whether she wishes to press charges. Deportation proceedings will be suspended while the woman is making her decision. The reason for this allowance is because many women do not press charges, as they are afraid of being immediately sent home. Without charges and witnesses, it is almost impossible to prosecute the perpetrators.

On 1st February 1994, an amendment of the law on trafficking went into effect. In this new law, the term “trafficking in women” was replaced by “trafficking in persons,” making trafficking in men for prostitution punishable. The maximum sentence was raised to six years. Penalties under this new law can rise to a maximum of 10 years when two or more persons commit the crime together, when minors are involved and when serious physical injury occurs as a consequence.

Victim Support and Services. The Dutch state policy on trafficking is the framework within which support and services for victims of trafficking are made available. Whether, how long and which kind of help can be offered depends on whether the person in need is recognized as a victim (or a possible victim) of trafficking, as well as on the status of the criminal procedure against the suspects. Only on these grounds can a woman obtain the temporary staying permit making it possible for social services institutions to extend their services to her.

Under these stipulations, victims of other forms of trafficking other than for the purpose of prostitution (e.g. for domestic labor or commercial marriages) cannot claim any victim rights and services in the framework of Dutch anti-trafficking legislation. The aliens laws are applied in these cases, as for any other foreigners in the Netherlands.

Support and services for women victims of trafficking in persons who are allowed to stay in the Netherlands for criminal procedures are coordinated by the Foundation against Trafficking in Women (STV). Since 1987, STV has developed and maintained a system of referrals to the state and/or local governmental social services institutions, and if needed to private institutions, for shelter, financial, legal and psycho-social support.

International Cooperation. Trafficking in women covers various fields of concern, including labor, policy concerning aliens, health, etc. The Dutch government recognizes that an effective strategy to combat trafficking requires a systematic and integrated approach, in which all the relevant ministries are involved.

Their first common action was the preparation of a European Code of Conduct for the prevention and combat of trafficking in women in the European Union. This EU Code of Conduct will allow for the formation of common policies in this field and will make it possible to undertake practical measures Europe-wide to combat trafficking in women. The Netherlands Ministry of Health, Welfare and Sports has also organized a series of conferences on trafficking in women to initiate an international network and will keep trafficking issues on the political agenda.

United States. The United States currently has three bills pending at the federal level that would provide social services to victims of sexual trafficking.

H.R. 1356, The Freedom from Sexual Trafficking Act of 1999. Representatives Christopher Smith (R-NJ) and Marcy Kaptur (D-OH) have proposed H.R. 1356 which would establish an Office for the Protection of Victims of Trafficking within the Office of the Secretary of State. A Director, appointed by the President and approved by the Senate, would be responsible for carrying out the purposes of the legislation and establishing facilities for the receipt and dissemination of information about the trafficking of women. H.R. 1356 allocates \$20 million per fiscal year for years 2000 and 2001 to be divided equally between domestic and international programs and

services for victim assistance and anti-trafficking activities. The funds for domestic programs to assist victims would be appropriated to the Secretary of Health and Human Services. The funds for international programs would be appropriated to the Secretary of State. H.R. 1356 does not delineate the specifics of these programs, other than to specify that assistance should be administered through nongovernmental organizations whenever possible. As an additional protection, the bill also offers permanent resident status to victims.

S. 600 and H.R. 1238, The International Trafficking of Women and Children Victims Protection Act of 1999. Senator Paul Wellstone (D-MN) and Representative Louise Slaughter (D-NY) have proposed S. 600 in the Senate and H.R. 1238 in the House of Representatives. This legislation would create an Interagency Task Force to Monitor and Combat Trafficking within the Office of the Secretary of State. The task force would be co-chaired by the Assistant Secretary for Democracy, Human Rights and Labor Affairs and the Senior Coordinator on International Women's Issues for the President's Interagency Council on Women. The task force may include up to 12 members appointed by the Secretary of State, representing relevant offices in the Department of Justice, USAID and State Department, and up to 5 staff members from the offices of the co-chairs. The Act appropriates \$20 million per fiscal year for the years 2000 and 2001 from the Department of Health and Human Services' Office of Refugee Resettlement to be spent on domestic assistance to victims, including mental and physical health services and shelter. The Act would authorize the President, through USAID, to provide similar assistance to victims abroad with an equal amount of funding. Like H.R. 1356, this Act does not delineate how these services would be provided other than to specify that assistance should be administered through nongovernmental organizations whenever possible.

H.R. 357, Violence Against Women Act of 1999. H.R. 357 is an omnibus package designed to reauthorize and enhance the programs initiated by the Violence Against Women Act of 1994. Similar legislation has been proposed in the Senate. Title VI of H.R. 357 ("Preventing Violence Against Women in Traditionally Underserved Communities") addresses the needs of battered immigrant women in Subtitle C. Sections 630 through 637 would amend portions of the Immigration and Nationality Act (8 U.S.C. 1255) to give broader protections to these women. Sections 632, 635 and 636 would improve access to VAWA immigration protection by creating exceptions for battered immigrant women who have entered the United States on fiancé visas and are seeking changes in status of VAWA cancellation of removal proceedings. Section 637 would allow for discretionary waivers, in determining whether an alien is of good moral character, for an alien who has been convicted of prostitution if that alien was forced into prostitution by an abuser, and for an alien who has been convicted of committing a crime under duress from the person who battered the alien or subjected her to extreme cruelty.

Section 640 would require that training be given to Immigration and Naturalization Service officers, immigration judges, and civil and criminal justice court system personnel. Section 641 would amend the Immigration and Nationality Act (8 U.S.C. 1255) to create protections for victims of specific kinds of violence—"rape, torture, incest, battery of extreme cruelty, sexual assault, female genital mutilation,

forced prostitution, trafficking, being held hostage, or any other violent crime”—by allowing victims to apply for a cancellation of deportation. Under H.R. 357, victims would have to show that they are of good moral character and that deportation would cause extreme hardship to themselves or their children. Additionally, the following criteria would have to be met: the perpetrator must have been arrested, the victim must have filed a complaint, the prosecutor must have filed a charge against the perpetrator, and either a Federal or State enforcement agency or a Federal or State court must have found that one of a specified number of crimes has been committed (as listed in a section of the Immigration and Nationality Act). The victim would also be required to submit a certification from a person responsible for bringing the enforcement action that the victim is willing to cooperate and has done so.

RANGE OF PENALTIES

Countries around the world vary widely in their approach to penalties for the crimes of trafficking, procuration and procuration with coercion. Some laws aggregate these crimes together in the same violation, with one penalty for any of the three crimes. Some provide detailed circumstances under which the penalty may be increased. Others do not specify the penalty at all. Following are just a few examples, taken from the OSCE countries, of then range of penalties in statutes criminalizing trafficking of women and children.

Anti-trafficking laws delineate a broad range of possible penalties. In Croatia, the penalty for trafficking for slave trade ranges from 1 to 10 years. Lichtenstein's Traffic in Human Beings Law (Article 217) punishes traffickers with a range of penalties between 6 months and 5 years. Some countries provide for confiscation of property and/or a fine in addition to jail time. The Greek Trafficking in Prostitution Law (Article 351) penalizes the trafficker with imprisonment for not less than one year, not more than 3 years, with a fine in addition.

Most of the laws have an enhanced penalty for aggravated circumstances such as violence or abuse of authority, or when the victim is a minor. For example, the Ukraine increases the base penalty of 3 to 8 years to 5 to 10 years if a person on whom the victim depends perpetrates the crime. This statute also increases the penalty if an organized gang or group commits the crime. In the Ukraine, the penalty increases to 8 to 15 years and a mandatory confiscation of property if an organized group is responsible.

Procuration and procuration with coercion laws specify a range of penalties, most of which do not recognize the severity of the offense. Albania punishes procuration with up to 5 years imprisonment, or up to 5 years with confiscation of property. If there is an element of coercion, the penalty increases to 5 to 10 years imprisonment. France also punishes procuration with 5 years imprisonment and a fine of \$1 million francs. Coercion increases the penalty to 10 years and \$10 million francs. But in Austria, the penalty for procuration is only up to 3 years in prison. There is no Austrian law to provide a greater penalty for procuration with coercion. Estonia's penalty is even lesser—penalty is from 3 to 7 years imprisonment. Russia, in comparison, does not punish procuration *unless* there is an element of coercion, and then the penalty is up to 4 years in prison and a fine.⁷

CONCLUSION

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

RECOMMENDATIONS

To effectively address the problem of trafficking, several approaches must be undertaken simultaneously. We are preparing a set of recommendations, based on our findings. We would be happy to work with the Commission and with individual members of the Commission as you search for solutions to address the problem of trafficking of women and children.

⁷ The fine is calculated by multiplying the wages of a person for anywhere between 2 and 5 months, by a value between 200 and 500.

**TESTIMONY OF WENDY YOUNG,
WASHINGTON LIAISON AND STAFF ATTORNEY, WOMEN'S
COMMISSION FOR REFUGEE WOMEN AND CHILDREN**

JUNE 28, 1999

Good afternoon. My name is Wendy Young. I am the Washington Liaison and Staff Attorney for the Women's Commission for Refugee Women and Children. On behalf of the Women's Commission, I would like to thank the Commission on Security and Cooperation in Europe for the opportunity to appear before you.

The Women's Commission was formed under the auspices of the International Rescue Committee in 1989 to act as an expert resource on the protection and assistance needs of refugee women and children, who together represent approximately 80 percent of the world's refugees. With specific regard to the Kosovo crisis, we have been advocating for over a year for increased international attention to the tremendous human rights violations inflicted on ethnic Albanians and the resulting internal displacement and refugee outflow to neighboring countries. Most recently, this has included dispatching three emergency missions to Albania and Macedonia to assess the needs of Kosovar refugees, advocate for greater protection and assistance to women and children, and network with local and international non-governmental organizations providing relief.

The topic of today's hearing, "The Sex Trade: Trafficking of Women and Children in Europe and the United States," is unfortunately an increasingly prevalent phenomenon around the world that carries tragic results for its victims. Through my testimony, I would particularly like to highlight the impact that trafficking has on displaced women and children, who are especially vulnerable to being caught up in this modern day slave trade. I will also share with you our observations on trafficking of Kosovar Albanian women, although I must caution that these observations are preliminary and anecdotal in nature as we and others continue to try to ascertain the depth and nature of the many human rights abuses inflicted on that population.

In general terms, refugee crises are fertile ground for trafficking in women and children. Whether in Kosovo, Rwanda, Burma, Colombia, Afghanistan, or other troubled regions around the world, refugee women and children face many of the same difficulties. They typically have lost their traditional support systems. Husbands, fathers, and sons are killed in war or civil conflict or the family has been fragmented in flight. Single heads of household, widows, and unaccompanied children and adolescents generally represent a significant portion of any refugee population. Refugee women and children are often left facing dire levels of poverty, because they have lost the support of their principal breadwinner and/or because their families have lost their property and businesses. Moreover, women and girls are at risk of sexual violence—including rape—during conflict in their homelands, during flight, and while residing in refugee camps or other host country settings. In many cultures, one of the unfortunate consequences of surviving rape is being ostracized from the community, leaving a woman or girl struggling to find a means to survive on her own.

The situation of ethnic Albanian women and children forced from their homes is no exception to these general observations. Approximately 860,000 refugees fled Kosovo into neighboring countries to

escape the ethnic cleansing campaign of the Serbian authorities. The majority were women and children, with significant numbers of war widows and unaccompanied children mixed in. Obviously, the exact numbers are difficult to ascertain, as the effort to register the refugees as they arrived in host countries was slow off the ground and poorly coordinated. In addition, many of the refugees are living with host families and are difficult for relief workers to reach. Moreover, in recent days, some 30,000 refugees per day are spontaneously returning to Kosovo to reestablish their lives in the wake of the NATO military intervention. In many cases, the male members of a family return first, thus leaving women alone in the camps and even more vulnerable to abuse.

Despite the lack of concrete data, disturbing reports regarding the situation of women and children are emerging, including stories of women and girls caught up in the trafficking network that was already thriving in the region, especially in Albania. For example, as you are probably aware, the Organization for Security and Cooperation in Europe (OSCE) and others have reported that existing trafficking rings in Vlore, Albania have smuggled as many as 10 boatloads of 40 or more Kosovars each night into Italy. The price paid for the perilous journey is approximately \$750 per person, totaling up to \$50,000 each night in profits per smuggler.

Among their numbers are an unknown number of young women who are recruited or abducted by the smugglers and forced into prostitution. Sometimes the women are lured by false promises of jobs as nannies or restaurant workers or educations abroad. A Women's Commission consultant currently on a one-month mission in Albania has reported that women between the ages of 17 and 25, particularly those that have not been registered by the UN High Commissioner for Refugees (UNHCR) and who lack the support of family members, are most at risk of recruitment.

This human trafficking has long existed, is orchestrated by members of the Albanian mafia, and traditionally has targeted Albanian women and girls. It employs as many as 2,000 residents in Vlore alone. Unfortunately, the network has quickly adapted to the refugee presence in Albania and found a new and particularly vulnerable population on which to prey.

How do we combat the ability of traffickers to exploit refugee communities, which already suffer from extreme hardship and trauma? Much of the answer lies in increasing protection and assistance to refugee women and children generally in addition to targeting trafficking directly. The Women's Commission would like to offer the following recommendations:

- **Aggressively undertake registration of refugees at the onset of a refugee crisis.** Relief efforts aimed at the Kosovar refugees have been hampered from the start by the lack of a coordinated registration process. Elsewhere, registration has proven critical to effective identification of at-risk populations within refugee camp settings, including single heads of household, war widows, children, adolescents, and the elderly. Timely identification of these populations is essential to establishing programs to prevent trafficking and other abuses before they start.

- **Make the security of refugee camps a top priority.** In most refugee settings, there is an appalling lack of UNHCR protection officers and other trained security personnel assigned to protect refugees from abuse and exploitation, including trafficking. For example, in Macedonia at the end of April 1999, there were only eight protection officers assigned to monitor three major border crossings and many smaller sites, as well as nine refugee camps. At the time, Macedonia hosted approximately a quarter of a million refugees. Protection efforts must be reinforced with experienced, able personnel monitoring the borders, the camps, and host communities.
- **Develop programs to specifically address the protection and assistance needs of refugee women and children.** Perhaps the most effective way to deter trafficking in refugee settings is to provide options to women and children so that they do not have to resort to alternative sources of income and are less vulnerable to being lured by the false promises of traffickers. These programs should include micro enterprise development, skills training with an emphasis on literacy, and education. Too often, the specific needs of refugee adolescents are neglected; education and skills training programs should actively address their needs. The Bosnian Women's Initiative and the Rwandan Women's Initiative, funded by the United States, offer useful models for such programming. Programming to prevent sexual violence must also be provided.
- **Involve local nongovernmental organizations in service delivery.** The United Nations and international organizations must continue to support and build up Kosovar and local organizations that are working with the refugee population. These organizations are often best-positioned to recognize and address the needs of women and children. In addition, several Albanian organizations have been working for years on awareness raising among Albanian women about the dangers of trafficking; these efforts should be enhanced rather than duplicated by the international community. Support of such groups also helps lay the groundwork for the rebuilding of civil society in the region.
- **Provide third country resettlement opportunities and access to the U.S. asylum system for refugee victims of trafficking.** The United States must follow the model of Denmark, Canada, Australia and others and formally implement a responsive Women at Risk resettlement program. The U.S. resettlement system currently addresses the specific needs of women for whom return to their homeland or integration into a host country are impossible on an ad hoc basis. In addition, the United States must address the protection needs of trafficking victims smuggled into the United States. Too often, the needs of the victims are neglected, and worse, they are imprisoned in immigration detention centers or local prisons pending the outcome of their asylum proceedings. There have been cases in which the victims are actually imprisoned for longer than the smugglers who brought them to the United States. In adjudicating asylum claims brought by women and children, the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review must also fully implement the INS Gender Guidelines and Children's Guidelines.

- **Take active and direct steps to prevent trafficking in refugee camps.** This includes monitoring and assessing the extent of trafficking as well as reaching out to refugee women and girls to educate them about the dangers of trafficking. It is our understanding that the UN High Commission for Human Rights, the International Organization for Migration, and the Council of Europe are cooperating in a project that is targeting Kosovar refugees to help prevent the trafficking of women and children in Albania. UNHCR has also begun to assess the extent of the trafficking problem in key refugee camps. It is hoped that reports on these projects will be released in the coming weeks. The OSCE could also play a critically useful role in monitoring trafficking and assessing the underlying factors that cause women to become targets of traffickers.
- **Address trafficking directed at Kosovar refugees in the context of trafficking in Albania generally.** Lack of opportunities for Albanian women has led to extensive trafficking generally. While it is essential to prevent the spread of this insidious practice to refugees hosted by Albania, it is also important not to neglect the needs of the host community.

Many of these recommendations will require the support of the United States and other donor governments. Implementation will also need the support of international organizations, including the UN High Commissioner for Refugees, the UN Human Rights Commission, other UN agencies, and the OSCE. Such assistance is imperative. The world community cannot turn its back on the suffering of the Kosovar refugees or other refugee communities. It also cannot stand idly by while further degradation is inflicted on them.

I would like to again express my appreciation for the chance to appear on this panel. I would be happy to address any questions you may have. Thank you.

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