

COMBATING HUMAN TRAFFICKING: ACHIEVING ZERO TOLERANCE

HEARING

BEFORE THE
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS

FIRST SESSION

MARCH 9, 2005

Serial No. 109-32

Printed for the use of the Committee on International Relations



Available via the World Wide Web: http://www.house.gov/international_relations

U.S. GOVERNMENT PRINTING OFFICE

99-820PDF

WASHINGTON : 2005

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON INTERNATIONAL RELATIONS

HENRY J. HYDE, Illinois, *Chairman*

JAMES A. LEACH, Iowa	TOM LANTOS, California
CHRISTOPHER H. SMITH, New Jersey, <i>Vice Chairman</i>	HOWARD L. BERMAN, California
DAN BURTON, Indiana	GARY L. ACKERMAN, New York
ELTON GALLEGLEY, California	ENI F.H. FALEOMAVAEGA, American Samoa
ILEANA ROS-LEHTINEN, Florida	DONALD M. PAYNE, New Jersey
DANA ROHRABACHER, California	ROBERT MENENDEZ, New Jersey
EDWARD R. ROYCE, California	SHERROD BROWN, Ohio
PETER T. KING, New York	BRAD SHERMAN, California
STEVE CHABOT, Ohio	ROBERT WEXLER, Florida
THOMAS G. TANCREDO, Colorado	ELIOT L. ENGEL, New York
RON PAUL, Texas	WILLIAM D. DELAHUNT, Massachusetts
DARRELL ISSA, California	GREGORY W. MEEKS, New York
JEFF FLAKE, Arizona	BARBARA LEE, California
JO ANN DAVIS, Virginia	JOSEPH CROWLEY, New York
MARK GREEN, Wisconsin	EARL BLUMENAUER, Oregon
JERRY WELLER, Illinois	SHELLEY BERKLEY, Nevada
MIKE PENCE, Indiana	GRACE F. NAPOLITANO, California
THADDEUS G. McCOTTER, Michigan	ADAM B. SCHIFF, California
KATHERINE HARRIS, Florida	DIANE E. WATSON, California
JOE WILSON, South Carolina	ADAM SMITH, Washington
JOHN BOOZMAN, Arkansas	BETTY McCOLLUM, Minnesota
J. GRESHAM BARRETT, South Carolina	BEN CHANDLER, Kentucky
CONNIE MACK, Florida	DENNIS A. CARDOZA, California
JEFF FORTENBERRY, Nebraska	
MICHAEL McCAUL, Texas	
TED POE, Texas	

THOMAS E. MOONEY, SR., *Staff Director/General Counsel*
ROBERT R. KING, *Democratic Staff Director*

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL
OPERATIONS

CHRISTOPHER H. SMITH, New Jersey, *Chairman*

THOMAS G. TANCREDO, Colorado	DONALD M. PAYNE, New Jersey
JEFF FLAKE, Arizona	BARBARA LEE, California
MARK GREEN, Wisconsin	BETTY McCOLLUM, Minnesota
JOHN BOOZMAN, Arkansas	BRAD SHERMAN, California
JEFF FORTENBERRY, Nebraska	GREGORY W. MEEKS, New York
EDWARD R. ROYCE, California, <i>Vice Chairman</i>	DIANE E. WATSON, California

MARY M. NOONAN, *Subcommittee Staff Director*
BEVERLY HALLOCK, *Staff Associate*

CONTENTS

	Page
WITNESSES	
The Honorable John R. Miller, Director, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State	10
Ms. Beatrice Fernando, Associate, American Anti-Slavery Group	30
The Honorable Linda Smith, President, Shared Hope International (former Member of Congress)	34
The Honorable Shirley E. Barnes, President, Barnes Findley Foundation (former American Ambassador to the Republic of Madagascar)	42
Sarah E. Mendelson, Ph.D., Senior Fellow, Russia and Eurasia Program, Center for Strategic and International Studies	51
Julianne Duncan, Ph.D., Assistant Director, Migration and Refugee Services, United States Conference of Catholic Bishops	59
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
The Honorable Christopher H. Smith, a Representative in Congress from the State of New Jersey, and Chairman, Subcommittee on Africa, Global Human Rights and International Operations: Prepared statement	4
The Honorable Donald M. Payne, a Representative in Congress from the State of New Jersey: Prepared statement	8
The Honorable John R. Miller: Prepared statement	14
Ms. Beatrice Fernando: Prepared statement	32
The Honorable Linda Smith: Prepared statement	37
The Honorable Shirley E. Barnes: Prepared statement	47
Sarah E. Mendelson, Ph.D.: Prepared statement	53
Julianne Duncan, Ph.D.: Prepared statement	61

COMBATING HUMAN TRAFFICKING: ACHIEVING ZERO TOLERANCE

THURSDAY, MARCH 9, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 11:04 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order, and good morning to everyone.

The Subcommittee will today hear testimony concerning the continuing problem of human trafficking. The U.S. Government, as we all know, now estimates that some 600,000 to 800,000 women, children and men are bought and sold across international borders each year and exploited through forced labor or commercial sex exploitation. Potentially millions more are trafficked internally within the borders of their countries. Eighty percent of the victims are women and girls. An estimated 14,500 to 17,500 foreign citizens are trafficked into the U.S. each and every year.

As Chairman of the Subcommittee on International Operations and Human Rights in the late 1990s, I led an effort to end the scourge of trafficking, and it is probably better called slavery, by sponsoring the Trafficking Victims Protection Act (TVPA), P.L. 106-386, which was signed into law in December 2000. In 2003, I sponsored a reauthorization of that act which also became law.

These two pieces of legislation created a comprehensive framework for combatting trafficking in persons abroad, as well as the trafficking of foreign nationals into the United States. As a result, our Government has been a leader in addressing this human rights violation and encouraging other governments to do the same. When I held the first hearing on trafficking, back in 1999, only a handful of countries had laws explicitly prohibiting the practice of human trafficking. Individuals who engaged in this exploitation did so without fear of legal repercussions. Victims of trafficking were treated as criminals and illegal immigrants—governments did not offer them assistance to escape the slavery-like conditions in which they were trapped, and few NGOs were equipped to offer survivors of trafficking the restorative care to heal physically, mentally and spiritually from the trauma they experienced. Little was being done to prevent others from being exploited in this same way.

The situation today is remarkably improved. Since taking office, the Bush Administration has devoted more than \$295 million to combat trafficking in more than 120 countries. Across the globe, governments are taking action to prevent trafficking, to prosecute the exploiters, and to give hope and restoration to those victimized by trafficking. As Ambassador Miller testified to Congress last summer, between 2003 and 2004, 24 countries enacted new laws to combat trafficking. Dozens more were in the process of drafting or passing similar laws. Moreover, nearly 8,000 traffickers were prosecuted worldwide and 2,800 were convicted. Shelters have been set up for victims. NGOs and faith communities have reached out to heal survivors of trafficking.

In order to support the ongoing efforts that have made these gains possible, on February 17th, I introduced, along with my good friend and colleague, the Ranking Member of our Subcommittee, Don Payne, and eight other original co-signers, the Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972. This bill would reauthorize appropriations for anti-trafficking programs both here and abroad. The bill also offers solutions to a number of specific scenarios in which trafficking is a problem, but which our experience has shown could benefit from additional initiatives. Our witnesses at today's hearing will focus on some of these issues and I will mention just a few at this point.

For example, drawing lessons from the aftermath of the war in the Balkans a decade ago, and the devastating tsunami in South Asia a few months ago, foreign policy and humanitarian aid professionals increasingly recognize the heightened vulnerability of indigenous populations in crisis situations to the many forms of violence, including trafficking for sexual and labor exploitation. Traffickers also recognize this vulnerability. This bill would focus governmental efforts, particularly by the State Department, the U.S. Agency for International Development (USAID), and the Department of Defense, to develop trafficking prevention strategies for post-conflict and humanitarian emergency situations—strategies which do not currently exist in sufficient form.

The bill would also take further steps to ensure that the U.S. Government personnel and contractors are held accountable for involvement with acts of trafficking in persons while abroad on behalf of the U.S. Government. Although few would dispute that the involvement of U.S. personnel, including members of the U.S. armed forces, with trafficking in persons in any form is inconsistent with U.S. laws and policies and undermines the credibility and mission of U.S. Government programs in foreign countries, there remains loopholes in U.S. law which allow such acts to go unpunished. This bill closes those loopholes by expanding U.S. criminal jurisdiction for serious offenses to all U.S. Government contractors abroad—jurisdiction which already exists with respect to contractors supporting Department of Defense missions abroad—and by making Federal criminal laws against sex and labor trafficking applicable to members of the armed forces. The bill would also direct the Secretary of Defense to designate a director of anti-trafficking policies to guide DoD's efforts to faithfully implement policies against trafficking.

The bill would also take on the outrageous situation of peacekeepers, humanitarian aid workers, and international organizations' personnel, being complicit in trafficking and sexual exploitation. On March 2nd, I chaired a hearing of this Subcommittee that examined the evidence of gross sexual misconduct and exploitation of refugees and vulnerable people by U.N. peacekeepers and civilian personnel assigned to the U.N. peacekeeping mission in the Democratic Republic of Congo. Human rights groups and the U.N.'s own internal investigations have uncovered over 150 allegations against mission personnel involving sexual contact with Congolese women and girls, usually in exchange for food or small sums of money, as well as allegations of rape, forced prostitution, and demands of sex for jobs. However, to date, there has not been one successful prosecution of U.N. civilian or military personnel, either in the Congo or elsewhere.

The scandal with the U.N. mission in the Congo is but the latest in a long and sad list of allegations against international peacekeeping personnel involving sex trafficking and other forms of sexual exploitation that extends back at least a decade. The involvement of peacekeepers in trafficking or sexual exploitation is not just a private matter involving only personal moral choices. Hundreds of vulnerable women and children are being re-victimized; the reputation of the United Nations is being badly damaged; and the lack of internal discipline is compromising security and effectiveness of peacekeeping operations.

To his credit, the U.N. Secretary-General Kofi Annan has promulgated a "zero tolerance" policy on sexual exploitation by peacekeepers. In June 2004, NATO also adopted an anti-trafficking policy. But words alone do not protect women and children from abuse. H.R. 972 would require that the Secretary of State certify, prior to endorsing an international peacekeeping mission, that the international organization has taken measures to prevent and, as necessary, hold accountable peacekeepers in the mission who are involved with trafficking or sexual exploitation. The bill would also require that the annual *Trafficking in Persons Report* include information on steps taken by the international organizations to eliminate involvement of the organizations' personnel in trafficking.

The bill also continues to improve upon the provision of assistance to foreign victims in the United States by improving trafficking victims' access to information about federally-funded victim services programs and facilitating access to counsel for victims. The bill would also establish a guardian ad litem program for child trafficking victims here in the U.S.

H.R. 972 would also recognize that trafficking in persons occurs within the borders of single countries, including the United States. According to the State Department, if the number of internally trafficked persons within countries is added to the estimate, the total number of trafficking victims annually would be in the range of 2 million to 4 million. Although outside the jurisdiction of this Subcommittee, I would just mention that the bill addresses the trafficking of American citizens and nationals within the United States—which the bill defines as "domestic trafficking." Although there are no precise statistics on the numbers of United States citizens or nationals who have been victimized through trafficking, re-

searches at the University of Pennsylvania have estimated that 100,000 to 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

Despite the willingness of most governments today to address international trafficking, few have recognized the existence of internal trafficking within their own borders. By addressing internal trafficking in a bill that also addresses international trafficking, the U.S. again will lead by example in showing that internal trafficking victims must not be dismissed by the law enforcement community as prostitutes or as juvenile delinquents. This bill would begin to shift the paradigm—much as we have done so successfully in the international arena—to view these exploited souls for what they really are—victims of crime and sexually exploited children.

I look forward to hearing the testimony of all of our distinguished witnesses who have a vast amount of experience with these and other international trafficking issues. Our Administration witness today is the very distinguished Ambassador John Miller, Director of the Office to Monitor and Combat Trafficking in Persons, who has done a yeoman's job on behalf of trafficking victims all over the world. Our second panel will include the Honorable Linda Smith, a former Member of Congress, and now President of Shared Hope International; the Honorable Shirley Barnes, President of the Barnes Findley Foundation and formerly the U.S. Ambassador to the Republic of Madagascar; Dr. Sarah Mendelson, a Senior Fellow at the Center for Strategic and International Studies; Julianne Duncan, an Assistant Director of Children's Services at the U.S. Conference of Catholic Bishops; and, finally, Ms. Beatrice Fernando, who is a survivor of trafficking herself. I want to particularly express my deep appreciation to Ms. Fernando for her willingness to share her experience with this Subcommittee and for traveling to be here with us today.

I would like to yield to my good friend and colleagues, Mr. Payne, for any opening comments he might have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

The Subcommittee will come to order.

The Subcommittee will today hear testimony concerning the continuing problem of human trafficking. The U.S. Government now estimates that 600,000 to 800,000 women, children and men are bought and sold across international borders each year and exploited through forced labor or commercial sex exploitation, and potentially millions more are trafficked internally within the borders of countries. Eighty percent of the victims are women and girls. An estimated 14,500 to 17,500 foreign citizens are trafficked into the United States each year.

As Chairman of the Subcommittee on International Operations and Human Rights in the late 1990s, I led an effort to end the scourge of trafficking by sponsoring the Trafficking Victims Protection Act (TVPA), P.L. 106-386, which was signed into law in December 2000. In 2003, I sponsored a reauthorization of that Act which also became law.

These two pieces of legislation created a comprehensive framework for combating trafficking in persons abroad, as well as the trafficking of foreign nationals into the United States. As a result, our government has been a leader in addressing this human rights violation and encouraging other governments to do the same. When I held the first hearing on trafficking, back in 1999, only a handful of countries had laws explicitly prohibiting the practice of human trafficking. Individuals who en-

gaged in this exploitation did so without fear of legal repercussions. Victims of trafficking were treated as criminals and illegal immigrants—governments did not offer them assistance to escape the slavery-like conditions in which they were trapped, and few NGOs were equipped to offer survivors of trafficking the restorative care needed to heal physically, mentally and spiritually from the trauma they experienced. Little was being done to prevent others from being exploited in the same way.

The situation today is remarkably improved. Since taking office, the Bush Administration has devoted more than \$295 million to combat trafficking in more than 120 countries. Across the globe, governments are taking action to prevent trafficking, to prosecute the exploiters, and to give hope and restoration to those victimized by trafficking. As Ambassador Miller testified to Congress last summer, between 2003 and 2004, twenty-four countries enacted new laws to combat trafficking. Dozens more were in the process of drafting or passing such laws. Moreover, nearly 8,000 traffickers were prosecuted worldwide and 2,800 were convicted. Shelters have been set up for victims. NGOs and faith communities have reached out to help heal survivors of trafficking.

In order to support the ongoing efforts that have made these gains possible, on February 17, I introduced, along with this Subcommittee's Ranking Member, Rep. Donald Payne, and eight other original co-sponsors, the Trafficking Victims Protection Reauthorization Act of 2005, H.R. 972. This bill would reauthorize appropriations for anti-trafficking programs here and abroad. The bill also offers solutions to a number of specific scenarios in which trafficking is a problem, but which our experience has shown could benefit from additional initiatives. Our witnesses at today's hearing will focus on some of these issues and I will mention just a few here.

For example, drawing lessons from the aftermath of war in the Balkans a decade ago, and the devastating tsunami in South Asia a mere few months ago, foreign policy and humanitarian aid professionals increasingly recognize the heightened vulnerability of indigenous populations in crisis situations to many forms of violence, including trafficking for sexual and labor exploitation. Traffickers also recognize this vulnerability. This bill would focus governmental efforts, particularly by the State Department, the U.S. Agency for International Development, and the Department of Defense, to develop trafficking prevention strategies for post-conflict and humanitarian emergency situations—strategies which do not currently exist in sufficient form.

The bill would also take further steps to ensure that U.S. Government personnel and contractors are held accountable for involvement with acts of trafficking in persons while abroad on behalf of the U.S. Government. Although few would dispute that the involvement of U.S. personnel, including members of the U.S. Armed Forces, with trafficking in persons in any form is inconsistent with U.S. laws and policies and undermines the credibility and mission of U.S. Government programs in foreign countries, there remain loopholes in U.S. laws which allow such acts to go unpunished. This bill closes those loopholes by expanding U.S. criminal jurisdiction for serious offenses to all U.S. Government contractors abroad—jurisdiction which already exists with respect to contractors supporting Department of Defense missions abroad—and by making federal criminal laws against sex and labor trafficking applicable to members of the Armed Forces. The bill would also direct the Secretary of Defense to designate a director of anti-trafficking policies to guide DOD's efforts to faithfully implement policies against trafficking.

The bill would take on the outrageous situation of peacekeepers, humanitarian aid workers, and international organizations' personnel, being complicit in trafficking and sexual exploitation. On March 2nd, I chaired a hearing in this Subcommittee that examined the evidence of gross sexual misconduct and exploitation of refugees and vulnerable people by UN peacekeepers and civilian personnel assigned to the UN peacekeeping mission in the Democratic Republic of Congo. Human rights groups and the UN's own internal investigations have uncovered over 150 allegations against Mission personnel involving sexual contact with Congolese women and girls, usually in exchange for food or small sums of money, as well as allegations of rape, forced prostitution, and demands of sex for jobs. However, to date, there has not been one successful prosecution of UN civilian or military personnel, either in the Congo or elsewhere.

The scandal with the UN Mission in the Congo is but the latest in a long list of allegations against international peacekeeping personnel involving sex trafficking and other forms of sexual exploitation that extends back at least a decade. The involvement of peacekeepers in trafficking or sexual exploitation is not just a private matter involving only personal moral choices. Hundreds of vulnerable women and children are being re-victimized; the reputation of the United Nations is being badly

damaged; and lack of internal discipline is compromising security and effectiveness of the peacekeeping operations.

To his credit, U.N. Secretary General Kofi Annan has promulgated a “zero tolerance” policy on sexual exploitation by peacekeepers. In June 2004, NATO also adopted an anti-trafficking policy. But words alone do not protect women and children from abuse. H.R. 972 would require that the Secretary of State certify prior to endorsing an international peacekeeping mission that the international organization has taken measures to prevent and, as necessary, hold accountable peacekeepers in the mission who are involved with trafficking or sexual exploitation. The bill would also require that the annual *Trafficking in Persons Report* include information on steps taken by international organizations to eliminate involvement of the organizations’ personnel in trafficking.

The bill also continues to improve upon the provision of assistance to foreign victims in the United States by improving trafficking victims’ access to information about federally funded victim services programs and facilitating access to counsel for victims. The bill would also establish a guardian ad litem program for child trafficking victims of trafficking.

H.R. 972 also recognizes that trafficking in persons occurs within the borders of single countries, including the United States. According to the State Department, if the number of people trafficked internally within countries is added to the estimate, the total number of trafficking victims annually would be in the range of 2,000,000 to 4,000,000. Although outside the jurisdiction of this Subcommittee, I would just mention that the bill addresses the trafficking of American citizens and nationals within the United States—which the bill defines as “domestic trafficking.” Although there are no precise statistics on the numbers of United States citizens or nationals who have been victimized through trafficking, researchers at the University of Pennsylvania have estimated that 100,000 to 300,000 children in the United States are at risk for commercial sexual exploitation, including trafficking, at any given time.

Despite the willingness of most governments today to address international trafficking, few have recognized the existence of internal trafficking within their own borders. By addressing internal trafficking in a bill that also addresses international trafficking, the United States will again lead by example in showing that internal trafficking victims must not be dismissed by the law enforcement community as prostitutes or juvenile delinquents. This bill would begin to shift the paradigm—much as we have done so successfully in the international arena—to view these exploited souls for what they really are—victims of crime and sexually exploited children.

I look forward to hearing the testimony of all of our distinguished witnesses who have a vast amount of experience with these and other international trafficking issues. Our Administration witness today is Ambassador John Miller, Director of the Office to Monitor and Combat Trafficking in Persons. Our second panel will include the Honorable Linda Smith, a former Member of Congress and now President of Shared Hope International; the Honorable Shirley Barnes, President of the Barnes Findley Foundation and formerly the U.S. Ambassador to the Republic of Madagascar; Dr. Sarah Mendelson, a Senior Fellow at the Center for Strategic and International Studies; Julianne Duncan, an Assistant Director of Children’s Services at the U.S. Conference of Catholic Bishops; and finally, Ms. Beatrice Fernando who is a survivor of trafficking herself. I want to particularly express my deep appreciation to Ms. Fernando for her willingness to share her experience with this Subcommittee in order to help us achieve our goal of zero tolerance for human trafficking.

Mr. PAYNE. Thank you very much, Mr. Chairman. I would like to certainly commend you for calling this very important hearing on combatting human trafficking, focusing on achieving zero tolerance. As it is pretty clear, the issue of trafficking and the devastating impact it has on communities is one that you hold very near and dear to your heart and you have certainly been a leading voice not only in Congress but throughout international organizations that have taken this issue on. So I really commend you for the long reach that your commitment on this issue has led us.

I look forward to the witnesses’ testimonies and their recommendations for how to root out the illicit industry of the trafficking of humans for prostitution and forced labor. In working to-

ward dealing effectively with complex issues such as trafficking, it is critical to understand the root causes of such problems. Undoubtedly, the reasons for why and how people behave, particularly women and children, are as diverse as the individuals, communities and countries impacted. One thing is universal though, in most of the countries where trafficking is practiced, the individuals are victims of countries that have abject poverty.

Until we start to seriously discuss a strategy of dealing with abject poverty, then these problems of trafficking women, children and the vulnerable will continue to plague us. I hope that we can eventually get into a whole discussion about the question of poverty.

Prime Minister Blair has been very bold as Chairman of the G-8, who said that he wanted to focus his Chairmanship on eradicating the debt and to help to eradicate poverty in Africa. He came up with a plan, and as you know, Prime Minister Blair is very supportive of United States policy in Iraq, but his plan was shot down by the Secretary of State stating that we feel that it is not necessary to create another organization. So if we are going to talk about these problems, we are going to have to attempt to work with our allies and to try to eliminate poverty. I hope that we continue to work with the United Nations, and I am not sure that the current nominee, Mr. Bolton, feels the United Nations should not exist. I do not know whether this is our way of backing out, but until we strengthen international organizations, until we correct what is wrong, we can be a world without one, and I do not know if that would be a better world than what we have today.

People, and particularly women and children who tend to be the most vulnerable in situations of conflict and in impoverished communities, often find themselves in situations where even the most basic needs are not met in these desperate situations which limit options in terms of formal employment. Families sometimes send children out to labor in far places from their homes. Refugees who fled their countries of origin because of violence or instability are especially vulnerable to trafficking. The State Department's most recent estimates put the number of people trafficked from one country to another at between 600,000 and 800,000 and the majority of these are women and children, which raises serious concerns. Women are often the engines of development and civil society activity, especially in developing countries. Children are the future generations and the state of their health, safety, and education levels tell us a great deal about the world, the problems that we have, and what the future looks like unless we are going to be able to lay out a better plan for the vulnerable children.

Over the last few years there has been a lot of research and work done on trafficking of women from Asia and Eastern Europe but there has been very little attention paid to African women and children. For this reason, I am particularly looking forward to hearing the testimony of Ambassador Shirley Barnes, as she will be sharing data that she and others have collected on trafficking in Africa. Because there has been little focus, statistics and data are very hard to come by, however, tens of thousands of people from Africa are believed to be trafficked every year, according to the State Department.

The trafficking of children for labor is particularly a problem in a number of African countries; Togo, Benin, Botswana, the Democratic Republic of Congo, Somalia, Ethiopia, Zambia, Nigeria and Algeria. It is the responsibility of the entire international community to work with African governments to support efforts to decrease the vulnerability of women and children to trafficking through programs aimed at eradicating poverty such as microenterprise and microcredit programs specifically targeting women, increased funding in these areas of education and health and technical assistance.

The protection of women and children is an issue of human rights. It is an issue that we need to continue, as we are doing today, to focus on. Again I commend Chairman Smith for his dedication to this issue, and for our continued fight to try to make a difference.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Payne follows:]

PREPARED STATEMENT OF THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, I commend you for calling this important hearing on combating human trafficking, focusing on achieving zero tolerance. The issue of trafficking and the devastating impact it has on communities is one that you hold near and dear to your heart and you have certainly been the leading voice in the Congress on.

I look forward to the witness testimonies and their recommendations for how to root out the illicit industry of the trafficking of humans for prostitution and forced labor. In working towards dealing effectively with complex issues such as trafficking, it is critical to understand the root causes of such problems. Undoubtedly, the reasons for why and how people, particularly women and children are as diverse as the individuals, communities, and countries that are impacted by it but there is one cause that seems to be universal. That is the problem of poverty.

Until we eradicate poverty, particularly in developing nations, we will be forced to contend with its effects. People, and particularly women and children who tend to be the most vulnerable in situations of conflict and in impoverished communities, often find themselves in situations where even the most basic needs are not met and in these desperate situations with limited options in terms of formal employment. Families sometimes send children out to labor in far from home. Refugees who fled their country of origin because of violence or instability are especially vulnerable to being trafficked.

The State Department's most recent estimates put the number of people trafficked from one country to another at between 600 thousand and 800 thousand and the majority of these are women and children, which raises serious concerns. Women are often the engines of development and civil society activity, especially in developing nations. Children are the future generations and the state of their health, safety, and education levels tells us a great deal about what our world will be like in the near future.

Over the last few years there has been a lot of research and work done on the trafficking of women from Asia and Eastern Europe but there has been little attention paid to African women and children. For this reason, I'm particularly looking forward to Ambassador Shirley Barnes' testimony today as she will be sharing data that she and others have collected on trafficking in Africa. Because there has been little focus, statistics and data are hard to come by, however, tens of thousands of people from Africa are believed to be trafficked each year, according to the State Department.

The trafficking of children for labor is particularly a problem in Togo, Benin, Botswana, the Democratic Republic of Congo, Somalia, Ethiopia, Zambia, Nigeria, and Algeria. It is the responsibility of the entire international community to work with African governments to support efforts to decrease the vulnerability of women and children to trafficking through programs aimed at eradicating poverty such as microenterprise and microcredit programs specifically targeting women, increased funding in the areas of education and health, and technical assistance.

The protection of women and children is an issue of human rights. Again, I would like to commend you, Chairman Smith, on your dedication to the issue.

Thank you.

Mr. SMITH. Thank you so much, Mr. Payne.

Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman. I simply wanted to commend you for your leadership on this important issue.

In our modern time it is almost inconceivable that this egregious abuse of the dignity and rights of human persons could possibly exist, and I am very grateful to you, Mr. Chairman, for referring to the word “trafficking” also as “slavery.” I think it is a very powerful term that we can use to really continue to draw attention to highlight this important issue in our modern times, to show the seriousness of it. And I thank you, Mr. Chairman, again for your leadership in this area. Without that I am afraid this might have just quietly gone about its business without the type of serious oversight from this body and others, such as you who are here today, are bringing attention to this important issue. So thank you.

Mr. SMITH. Thank you.

Ms. Watson.

Ms. WATSON. I have to join with my colleagues, and particularly with the Chair for having this hearing, and I welcome Ambassador Miller.

It is an issue that I have been interested in for decades before I even came here. I intend to listen very closely to the report that Ambassador Miller will deliver and bring attention to what is going on in Africa. As AIDS spreads throughout the continent of Africa, there is a belief among some villages in South Africa that to have sex with an infant would cure you of AIDS. We find, particularly down in the Cape Town area, that this is being practiced pretty constantly. We need to get on that and focus on it.

So thank you, Mr. Chairman, for this hearing, and I await the message that is being brought to us by the Ambassador, among the other witnesses.

Mr. SMITH. Thank you very much.

Mr. Tancredo? Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I also want to say that I look forward to listening to the testimony. I think it is important, as you point out, that we look inwardly to see what we, as a country, can do better. I know that we can do better by many of our military women, addressing the military sexual assaults that take place soldier-to-soldier right here in the United States. We need to have more action from the Department of Defense on that, as well as taking strong action and condemning and bringing out and keeping sexual abuse from happening to prisoners who are under our care.

So, Mr. Chair, I appreciate the fact that not only do we have to work to stop the spread of this around the world, but in order to be a beacon of light we also have to reflect on our inability at times to address our own shortfalls when it comes to sexual abuse.

Mr. SMITH. Thank you.

Mr. Flake? Mr. Meeks?

Ambassador Miller, thank you, as I said at the onset, for your extraordinary leadership, and I would like to more formally introduce you.

Ambassador John Miller is Director of the State Department's Office to Monitor and Combat Trafficking in Persons, and Senior Advisor to Secretary of State Condoleezza Rice on human trafficking. The Trafficking in Persons Office coordinates U.S. Government activities in the global fight against modern-day slavery, including forced labor, and sexual exploitation, which, as we have said, impacts some 800,000 women, children and men every year. From 1985 to 1993, Ambassador Miller served in the U.S. House of Representatives from the State of Washington. While in Congress, Mr. Miller had a seat on the House International Relations Committee, sat right up here, and was a member of the Congressional Human Rights Caucus. For his leadership on human rights—and he had a distinguished number of initiatives that he boldly sat down upon—the Seattle Anti-Defamation League gave Mr. Miller its coveted award, the Torch of Freedom Award.

Ambassador Miller, thank you, and please proceed however you would like.

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

Mr. MILLER. Okay. Mr. Chairman, I want to thank all of the Members for being here, because you are showing that this issue is tremendous, and of course, nobody has shown greater interest than you have, Mr. Chairman. You were leading on this issue when very few were speaking out, and many of us knew very little about it. To the extent that the U.S. Government has a structure for dealing with this issue, it reflects on the work that you have done over the years.

If you do not mind, I will submit a written statement for the record. I want to leave time for questions and I want to leave time for the very distinguished panel that you have, which is going to give you some great expertise on individual issues.

I want to apologize in advance. As you know, every hearing I have come to I have stayed until the very end, listening to all the witnesses. Because of a previously-scheduled meeting at the White House, I am going to have to leave around 12:30 p.m. So with that let me start.

You have asked in the invitation letter to give an overview of the situation, and then to address certain specific components. I think you have covered the figures, the up to 800,000 men, women and children trafficked across international borders every year; up to 17,500 across U.S. borders. The categories of slavery extend into every country in the world, there are no exceptions, including the United States. The categories of slavery that extend to every country of the world are: Sex slavery, domestic servitude slavery, factory slavery, farm slavery, child soldier slavery, and child camel jockey slavery. We believe, and I think most observers believe, that the biggest category of slavery is sex slavery and the second biggest is probably domestic servitude. That is why the figures that we have tell us that 70 to 80 percent of those involved in slavery are of the female gender, and a large portion are not women, they are girls.

That is the situation, those are the figures. As many of you know, figures can be pretty dry. At an earlier hearing, when I was reporting on some of my trips, I tried to give stories of individual victims that I meet with all over the world. I will not do that today. All I can say is that 1 hour spent with a victim who has been locked in a brothel for years, locked in a home or locked in a factory will make a bigger impression than hours of reports. Including what I like to think are very good reports from the State Department. So that is the story.

As bad as the situation is, I do think there are some reasons for hope. The bipartisan leadership that Congress and the President has given on this issue, the broad support out in the NGO community, stretching from Evangelical Christian groups to feminist groups. Of course, as I was corrected the other day, some are both. But it just shows the breadth of support. I think that is why you have President Bush in his inaugural address specifically, as he has done so many times, focusing on this issue, saying:

“We have proclaimed that every man and woman on this earth has rights and dignity and matchless value . . . because no one is fit to be a master and no one deserves to be a slave.”

That was true in Abraham Lincoln’s time, and it is true today.

Now, what is going on, briefly? Many of you are familiar with our annual report on the world. The Justice Department puts out an annual report on the United States. This is the vehicle that we use to put a spotlight on this issue, to publicize, if necessary, to embarrass or to cajole countries into doing more. In your wisdom, you have provided some teeth in this human rights statute. So if a country gets very poorly rated and then in the 3 months after the report they do not do things, there is some consequence, potential consequences in terms of aid.

To just give you a general picture, I think there are some signs of progress even though the victims’ stories continue to pour in from all over the world. This past year, in part because of the law you passed pushing us to get detailed law enforcement statistics from every country in the world, and because of our engagement, and because people around the world are waking up, there were, as you mentioned, almost 3,000 convictions of traffickers the last year. Now, I can tell you 2 years ago there might have been several hundred if you could count them. So some things are happening out there.

You mentioned the countries that have passed anti-trafficking in persons laws. Our latest count shows in the last 2 years over 40 countries have passed comprehensive anti-trafficking in persons laws, to some degree influenced by the law that you all passed in 2000 and reauthorized in 2003. So these are some examples of progress. Also, hundreds of shelters have been created and more education programs have been set up to warn potential victims.

What we still do not have around the world, and I will get to this, is enough in the way of demand education programs. Programs with regard to sex slavery, for example, are needed that focus on males that are contributing to this by buying sexual services. There is a start of some good things on that though.

Now let us get to some of the specific issues you asked me about. The tsunami brought a lot of attention to this issue. As you know in this East Asia-Pacific area, hundreds and hundreds of thousands of men, women and children have been in slavery and are in slavery, both before the tsunami and after. Fortunately, with regards to the tsunami itself, so far we have documented very few confirmed cases of trafficking resulting directly from the tsunami, but are watching carefully for this. The huge overall problem remains.

You asked in your letter about what is going on with the Department of Defense. I want to say some good words about the Department of Defense. When I came into this position 2 years ago, there was no Defense Department policy on trafficking in persons. There was no Defense Department training. And as you recall, Mr. Chairman, you and several other Members of Congress sent a letter. I believe it was specifically focused on some abuses in Korea that involved our armed forces.

Since that time there has been some significant progress. A year ago the Department of Defense issued a zero tolerance on trafficking directive. We engaged with them and we said this is good, but how does a soldier that goes to a house of prostitution know whether the person is a trafficking victim?

Yes, statistically we know the majority of the women in those conditions want to escape, but it is pretty difficult to ask the private or seaman to say, "Well, are you a trafficking victim?" Of course, they are not going to tell them.

And so the Department of Defense, after a lot of discussion and thought, has taken a new tack. They have now proposed a change in the military code that would make it clear that there is not only a zero tolerance policy on trafficking, but a zero tolerance policy on patronizing houses of prostitution. They have instituted training which is now in effect for every military person that goes overseas, educating him on this issue. I personally went over some of the training manuals with our forces in Korea. This does not mean there is not more to be done, but there has been some tremendous progress made.

Now, when you talk about defense, and you actually asked about defense, U.S. defense is one component. There is NATO and in Norway the United States has taken the lead in NATO. We have NATO starting to adopt policies to combat trafficking and to see that there is proper training.

I would say the weak link, when it comes to defense and peacekeepers, has to be the United National peacekeeping forces. Congressman Payne, you talked about how we must strengthen the United Nations, this is an area where we really need to help strengthen the United Nations. You have 103 nations contributing troops to these peacekeeping forces. The reality is that these troops come in small contingents from all over, and these countries do not provide training in this issue. As a result, there has been a history of trafficking in the Balkans. There was a history of investigations and reports on U.N. peacekeepers involved in trafficking operations.

Now we have the Congo where allegations of numerous rapes of children by U.N. peacekeeper forces trading sexual favors for a dollar, for a little piece of food. The U.N., to its credit, did its own in-

vestigative report. The investigators reported that it was very difficult to investigate because the peacekeeping forces tried to bribe and threaten them. So they had some problems.

Nonetheless, they came out with a report. I think the report is summed up best with the statement that in the report they commend the Secretary-General for the anti-trafficking zero tolerance policy in the United Nations peacekeeping forces. Then they say, I am quoting: "Unfortunately, there is zero compliance with zero tolerance policy."

So this is the challenge. In his last, I believe last or next to the last, day in office Secretary Powell co-signed a letter with the Japanese Foreign Minister, the second largest donor to U.N. peacekeeping forces, to Secretary-General Kofi Annan. The letter was asking that there be immediate actions taken in training and discipline. We are pursuing that, and I see you are pursuing this in your reauthorization bill as well.

The next issue you asked about was what is happening on current demand reduction around the world. Korea and Sweden have taken the lead in focusing law enforcement on the demand side, realizing you do not just lock up the women. As you know, the Trafficking Victims Protection Act that you authored, Mr. Chairman, has an approach that calls for humane treatment to victims. As I understand, there is legislation being introduced in this Congress that will provide incentives in the United States for focusing on the demand side of this equation when it comes to law enforcement.

There are some educational efforts underway, but not many around the world. I would say the United States has probably done more than anyone, and primarily because of nonprofit organizations. You have a group like SAGE in San Francisco that now has a program—it is in your State and you may have heard of them, Congresswoman Watson—when a male is arrested for purchasing an act of prostitution, first offense they pay a fine. The fine goes to SAGE that conducts a school that the offender has to go to where he is educated on how his actions are not only demeaning to women, but are probably contributing to the phenomenon of trafficking. The first results of these programs are now in effect. Not only in SAGE, the Brooklyn District Attorney's Office has a program. There are 15 or 20 cities now that have these programs. These programs are showing a very low recidivism rate, 2 to 3 percent. So we are looking very carefully at that and we are trying to suggest these programs in other countries around the world.

The last question you asked was specifically on child sex tourism, which is a big component of slavery. Under all the protocols and not just our law, somebody under the age of 18 that engages in prostitution is a trafficking victim. Consent is irrelevant. They cannot consent at that age.

This is going on in many countries that you know of. Fortunately, in 2003, the Child Protection Act which you all passed and the President signed, makes it easier to extradite American pedophiles going abroad, back to the United States and sending them to jail. I am delighted to tell you that there have been over 20 indictments under that law. There have been over a dozen convictions. When I go around to other countries, I am very pleased to see their police reaction to a representative of a country that is

supplying the demand for the child sex tourism in their country saying, "Look, we want to prosecute the people from our country that are abusing your children." Toward that end, we have programs with nonprofits like World Vision in airports in Cambodia and in Costa Rica, where we are trying to educate the travelers that come in from the West as to the consequences of this child sex tourism.

I have talked too long, Mr. Chairman. Let me yield to some questions, and let you get on with your other witnesses.

[The prepared statement of Mr. Miller follows:]

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

Mr. Chairman and other Members of the Committee:

Thank you for the opportunity to personally discuss the efforts of the Department of State in combating trafficking in persons, though this term is a euphemism for what can more accurately be described as the 21st century slave trade.

The U.S. Government estimates 600,000 to 800,000 women, children and men are bought, sold, and trafficked across international borders every year. These numbers do not include victims who are trafficked within their own countries. We now estimate that this modern-day slavery also includes 14,500 to 17,500 victims who enter our own country annually, but the numbers alone only tell part of the story. These victims don't stand up to be counted; how can they? As a result of leadership from the President and Congress, with coordination among U.S. government agencies, and a bipartisan group of faith-based and feminist NGOs, efforts have accelerated to prevent this grave human rights abuse, to protect victims, and to punish the traffickers. As President Bush memorably said in his inaugural address: "We have proclaimed that every man and woman on this earth has rights and dignity and matchless value . . . because no one is fit to be a master and no one deserves to be a slave."

The office I lead continues to monitor worldwide human trafficking patterns and will issue the 5th annual *Trafficking in Persons Report* in June in order to stimulate increased action by foreign governments and regional coordination. The report has become an invaluable diplomatic tool for prompting and lauding progress abroad. We have seen a surge in government activity around the world: the passage of new anti-trafficking laws, almost 3,000 convictions of traffickers last year, national public service announcements and much more. We don't think it is a coincidence that increased anti-trafficking efforts coincided with the imposition of sanctions in 2003: Thanks to the efforts of Congress, countries that do not make significant efforts to confront slavery face the threat of losing non-trade-related, non-humanitarian forms of U.S. assistance.

In addition to the report, a second core function of our office is coordinating U.S. financial assistance to support anti-trafficking programs around the world. With fiscal year 2004 funding, U.S. taxpayers provided more than \$144 million [Comment: The number seems high to me when compared to FY 2002 and 2003, even including the President's \$50 million initiative, but since State keeps track of these grants, I will defer to them.], including the President's \$50 million initiative announced before the UN in September 2003, to anti-trafficking in persons efforts, boosting our programming dollars to almost \$300 million over three years. USAID and the Departments of State, Labor, Justice, and Homeland Security are involved in these efforts in foreign countries. In fact, 11 U.S. government agencies involved in anti-trafficking in persons efforts have developed a strategic plan to guide our government's anti-TIP efforts.

Finally, we take our mandate to increase public outreach very seriously. We are reaching hundreds of millions of people around the world through media, public speaking engagements, Digital Video Conferences, and e-mail alerts. This effort leverages the effectiveness of the report and assistance programs.

Today you have requested my comments concerning what can be done to strengthen child protection in U.S. Government post-conflict and post natural disaster relief programs, measures to deter sexual exploitation by military and peacekeeping personnel, current demand reduction measures for sex trafficking and sex tourism, and what can be done to increase protection and services to victims of trafficking.

After the first reports of potential child trafficking as a result of the Asian tsunami, we issued a statement to our NGO partners to encourage those working in the region to warn potential victims of human trafficking schemes. I encouraged

those providing shelter and care to register and protect the people in their facilities, particularly children. I recommended, that women and children should not be placed in isolated areas of shelters or camps. I also encouraged those hiring new or temporary employees for the relief effort to educate new hires about human trafficking and outline a zero-tolerance policy for employees involved in human trafficking. Thankfully, we have seen no major evidence of a rise in trafficking in the region, but we encourage those working with U.S. funded programs to remain vigilant in their efforts as the region recovers from this terrible disaster.

Through the combined efforts of my office and our colleagues at the Department of Defense, The U.S. military continues an aggressive, multi-pronged anti-TIP strategy that began in January 2004 with a “zero-tolerance” approach, including clear opposition to prostitution as a contributing factor of human trafficking. Anti-trafficking in persons training is now mandatory for all U.S. Service members and DoD civilians deploying overseas. Training is also available at the command level.

In November 2004, I was able to visit U.S. Forces Korea to view its comprehensive anti-trafficking in persons program serving 38,000 Service members and DoD civilians. I was impressed at the scope and dedication of this program. The strategy focuses on awareness, identification of victims, reduction of demand, and interaction with local law enforcement working to eliminate prostitution and its links to human trafficking in Korea. USFK also maintains and updates an “off-limits” list of establishments deemed unsafe or associated with illegal activity. The list currently includes 600+ bars, restaurants and clubs.

NATO has also adopted a zero tolerance policy on trafficking in persons. At the Istanbul Summit in June 2004, NATO Heads of State and the Euro-Atlantic Partnership (EAP) council endorsed the *NATO Policy on Combating Trafficking in Human Beings*, which reinforces efforts to prevent and combat trafficking. This policy was initially led and sponsored by the U.S. and Norway. NATO is implementing reporting mechanisms to ensure compliance with the human trafficking policy.

NATO has implemented a mandatory anti-human trafficking education and awareness program for all its troops prior to their deployment on a NATO mission. Training for all 26 NATO countries and 20 EAP countries will be implemented this summer.

In June 2004, U.N. Secretary-General Kofi Annan approved a Position Paper on Human Trafficking and United Nations Peacekeeping. The policy, coupled with the U.N.’s *Code of Conduct for Blue Helmets approved in 2001*, promotes a “zero tolerance” approach for sex abuse and human trafficking by UN peacekeepers. The UN’s own investigative report claims there is “zero compliance” with the “zero tolerance” policy. Individual peacekeepers from the Balkans to the Democratic Republic of the Congo have violated this policy. In 2004, a UN internal investigation revealed that dozens of peacekeepers from the UN Mission in the Democratic Republic of Congo (DRC) had committed sex abuse crimes against refugees there, many committed against minors.

In January, the Secretary of State and the Japanese Foreign Minister sent a strongly worded letter to UN Secretary General Annan asking him to investigate the sex abuse charges against UN peacekeepers in the Democratic Republic of Congo and to ensure troop compliance with the UN Human Trafficking policy and Code of Conduct. They also encouraged the UN to adopt universal, preventative measures for UN troops and to urge that troop contributors swiftly and appropriately discipline and punish offenders.

Secretary General Annan and Under Secretary General for Peacekeeping Operations, Jean Marie Guehenno, recently called for an overhaul of the UN’s training program and disciplinary and investigative regimes. The UN’s Code of Conduct includes a prohibition on visits to brothels by peacekeeping personnel and a curfew has been established for peacekeepers in the UN Mission in the DRC, among other steps to help prevent sexual abuse and human trafficking. I met with Under Secretary General Guehenno on February 24, 2005 and asked that training and discipline measures consistent with the UN’s official policy be put in place by all UN troop-contributing countries.

Among the many despicable variants of human trafficking, a particularly noxious form is child sex tourism involving people who travel from their own country to another and sexually exploit children. With passage of the 2003, *PROTECT Act*, penalties for U.S. citizens participating in child sex tourism increased to a maximum of 30 years in prison. There have been over 20 indictments and over a dozen convictions of child sex tourists since passage of the law. The United States is funding a major public awareness campaign—which is being implemented by World Vision—in Costa Rica, Cambodia, Thailand, and the United States against child sex tourism overseas.

The challenge is immense, but due to the leadership of the President and Congress, an effective methodology for assessing global progress via the annual *TIP Report*, improved inter-agency coordination, strong NGOs working worldwide, and gains in public awareness, we are beginning to abolish contemporary slavery.

Thank you again for the opportunity to address the committee. I yield for questions.

Mr. SMITH. Thank you very much, Mr. Ambassador, I appreciate your testimony and, as I said earlier, your outstanding work.

I have a couple of questions on the legislation we have introduced. Do you support it? We know you have provided some insights and counsel as we are going through the drafting stages, and I certainly do appreciate that. It is a bipartisan bill as you know. Mr. Payne, Tom Lantos and several other Democrats and friends on my side of the aisle, including our Whip, Roy Blunt, are all co-sponsors. We have a good coalition of Members behind it, and we have tried to vet virtually every issue, but you always miss one. We found that when we did the reauthorization of 2003, that there were a number of things we did not get right in the original 2000 legislation.

Do you support it? Does the Administration support it?

Secondly, on the interim assessments, and I do thank you for the interim assessments required by the 2003 act, which I think gave a very good—at least thumbnail, but a good look at what was being done or not being done on the Watch List countries. You might want to speak as to how well or poorly the Watch List is working, those between tier two and tier three. Forty-two countries are on it.

Our hope is that our diplomatic personnel abroad, especially our Ambassadors and others, will all use the fact that that country on the Watch List is teetering on tier three and could very quickly fall into that, and then be subjected to significant penalties and sanctions with regard to foreign aid.

So how well or poorly do you think the Watch List is working? And will your office make recommendations for tier three, if you are at liberty to say so today, based on some of the assessments that have been done here?

Next, if you could, on the issue of sex tourism, maybe speak very specifically. We had a hearing on Cuba just a few days ago, and the ongoing incarceration of the best, the bravest, and the brightest in Cuba; people, men and women, who are the next generation of leaders and who have risked all for human rights. As we all know, Cuba is a tier three country. One of the reasons why they are tier three is the sex tourism and the magnet that they offer to Europe and to Canada for child prostitutes. There was at least one study done by Johns Hopkins in 2003 which brought some light and scrutiny to that horrific and heinous practice, and others that we have spoken to on this Committee have also spoken to that.

But as an opening, if you could address those issues.

Mr. MILLER. Sure. Taking them in order; the State Department has made some suggestions with regards to the portions of the bill that concern the State Department, and those portions, the State Department is generally supportive of and supportive of the intent, and has some specific detailed suggestions. Of course, your bill covers not only foreign policy, it covers domestic policy, domestic grants, the penal codes, et cetera. To my knowledge the Adminis-

tration at this point has not developed an overall position on the bill, and if and when it does, I am sure that they will get it to you as soon as possible.

On the question of the Watch List, just in case everybody is not familiar with the tiers, before last year there were three tiers. Well, first of all, if a country had a significant problem, it got into the report. Every country has got a significant problem, but sometimes we could not always prove it. So there are a few countries that did not get in, but eventually every country will be in the report. Then if a country was tier one, it met the minimum standards. That does not mean it did not have a severe problem. Let me tell you there are tier one countries that have severe problems, but it met the standards of law and punishment and serious sustained efforts, et cetera. And then tier two, they did not meet the minimum standards, but they were making significant efforts. Tier three saw no significant efforts, and that was where, if they did not shape up, things could happen.

In your wisdom you looked at that provision, you looked at our report, and you found that most of the countries in the world were in tier two. It was accurate. They were not meeting the minimum standards but they were making some significant efforts. And so the Congress changed that to differentiate, and last year created a fourth tier. Tier two of the Watch List is sort of a warning tier. You are about to fall into tier three, you had better watch out.

As you commented, there are a lot of countries in the tier two Watch List. I forget the exact number, but I think it is around 42. I think it is having a salutatory effect. I am getting more visits from Ambassadors of tier two Watch List countries than I got previously, and I think there is more communication.

Our intention was, I think it was Congress's intent also, that tier two Watch List countries would move up to tier one. That they would make some progress. If they did not, they moved down to tier three, and maybe in certain circumstances they would stay in tier two Watch List, but we would like to see some movement. That is what we are hoping for.

Now, at this point I do not know what countries are going to be tier three or tier two Watch List, and the reason is because we have a schedule. Just last week the Embassies had a deadline for submitting reports on countries. Next week NGOs have a deadline. We have asked them to submit information. Our staffers are still out on visits, so we do not know yet how it is going to come about. Probably by the end of this month we will make some recommendations. There will be a process in the State Department. The regional bureaus will explain where they object to our recommendations. There will be an appeal process that goes up the line to the Secretary, et cetera, and then some time in May it will go to the printers. This report should be out by June 1. That is the idea.

Your last question related to Cuba, and what is happening on Cuba. One of my disappointments has been that with some of the countries that were named tier three, in the 3 or 4 months after the naming of tier three, some of these countries made tremendous progress—Greece and Turkey a year ago, Bangladesh last year. There are a few countries where this has not happened. Cuba is one of them. Fidel Castro made his speech that he always makes

the day after the report denouncing it. We tried. I had my office prepare a—as for any tier three country—a list of suggestions to be discussed with the Cuban Government, sort of a mini-plan, and our interest section in Havana tried to do that, but there was no reciprocal interest. So as far as I know, very little, if anything, has happened on this issue.

This is not to say that Cuba has not done some things. They appear to be taking, perhaps, a tougher stance on the prostitution leading to trafficking, but they still have this huge Government-related child sex tourism industry, which is, as far as we are concerned, very bad.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much.

With the various definitions of various countries as it relates to what constitutes prostitution and trafficking, have we found it difficult to get many of the countries on the same page as it relates to their own laws?

Mr. MILLER. A good question. A lot of countries we get on the same page, and sometimes there is confusion. I will give you some examples.

The law, our law, and the U.N. protocol, makes it very clear that an adult that is subject to sexual exploitation against her will is a trafficking victim and it makes it very clear that a child that is involved in sexual exploitation is a trafficking victim. Sometimes with countries there are differences, which I think we are in the process of clarifying. Countries that have legalized prostitution as part of a sex industry that they are promoting may not take as tough an interpretation of the laws as we do. Sometimes countries are under the impression—there was an example last year, I think it was New Zealand—that if slavery was internal, than it was not trafficking. So we have to educate there.

Trafficking does not have to be across borders. It is perceived as such, and there is a lot of it, but you can have internal trafficking. Somebody can be in slavery right in their country. There are plenty of people, particularly in the forced labor area, that have not crossed borders, so that is a problem.

We have another definitional problem, Congressman Payne. I think some countries—it is a minority but for example some Latin American countries—have conflated smuggling and trafficking. They believe that if they are doing something about smuggling of illegal aliens, this is the same as doing something about trafficking. Now, there is some overlap, some illegal aliens are trafficking victims, but they are not one and the same. Somebody who comes in legally to this country can be a trafficking victim and somebody that comes in illegally does not have to be a trafficking victim.

So there are definitional challenges.

Mr. PAYNE. Thank you very much.

As a matter of fact, in New Jersey, we have a problem of Eastern Europeans in the State on trafficking. We started a safe house in Newark with the archdioceses there where we are trying to have a place where people could go if they are in fear of the traffickers.

I just have another quick question.

Mr. MILLER. Yes.

Mr. PAYNE. Since we know that the people, particularly women and children, that are most vulnerable are in areas where there are conflict situations and instability, I wonder if we have any special focus on those areas as a Government and whether there is any increased funding that may be available as we look into these unstable places.

Mr. MILLER. We are trying to put more focus there, and I notice in the Reauthorization Bill you are basically calling for more focus, and there is no question there is an increase, for example, in child soldier slavery in these conflict situations.

One of the challenges has been that if you look at the law it basically focuses on governments and what governments can do. In a lot of these conflict areas, the government cannot do much because they do not control what is going on. This does not mean that we should not address the problem. It means, I think, we have to rethink how we are approaching this. Maybe it is not all done through the government that just controls a piece of the country. This is going to take some more thought.

But clearly, if we are serious about abolishing slavery, we cannot ignore the slavery in conflict situations.

Mr. SMITH. Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman and Ambassador Miller.

We have given the State Department significantly more discretion in trying to determine who qualifies for the status of someone who is being trafficked, and it is a very difficult thing to do. I actually was able to sit in once on, I would say, an interrogation, though another case, but an interview with someone who was first claiming that she was trying to escape an abusive spouse and had come across the line, in this case illegally. Then during the questioning period the person who was actually discussing this with her sort of led her, in a way, into this other issue of trafficking.

Mr. MILLER. Yes.

Mr. TANCREDO. Kind of saying, "Well, there is another way you can get in essentially, you know, claim this status." I was surprised by that, but I just wondered, what criteria do you use? Is there something that is said? I know that you have greater discretion, as I say, so I wonder how carefully we are, I guess, reviewing whatever kind of information that is provided, and in fact, what is the criteria for determining this?

Mr. MILLER. Yes. Okay. I will answer the question starting with a caveat. I suspect some people from the Justice Department and the Homeland Security Department that are involved in that kind of questioning are far more knowledgeable. But the definitions start with the law. In the reauthorization, you are dealing with some definitions. So we get the definitions from the Congress and you define sex trafficking, you defined involuntary servitude, debt bondage, coercion, et cetera.

Mr. TANCREDO. But it is the discretion that I am going to.

Mr. MILLER. Well, now, okay. I have not sat in on this kind of questioning that you are talking about. It sounds like you are concerned that they were taking too much discretion.

Mr. TANCREDO. Well, in particular, the State Department has been given this discretion by us, but I think it is listed here as Public Law 106-382.

Mr. MILLER. Yes.

Mr. TANCREDO. Given greater discretion in determining the criteria.

Mr. MILLER. Well, we do not decide in the United States who is a trafficking victim. If you are talking about U.S. prosecutions and working and giving temporary visas, the State Department does not deal with that. That is done with Health and Human Services and the Justice Department and DHS.

We have our role, and it is a serious one, it is to question these applicants abroad, to make sure that we are not letting trafficking victims into the country, and the answer there is that if there is a suspicion that they are trafficking victims, they should not be admitted.

Mr. TANCREDO. Now, if they are a victim?

Mr. MILLER. Yes. If they are, for example, if you are a counsellor office and a gentleman of around 50 or 60 comes along with 2 girls that are 14 and 16, lights go on.

Mr. TANCREDO. Yes.

Mr. MILLER. Or even if the gentleman is 30 years old. There are questions that they have been trained to ask. Are you really family? Can you prove they're family? Why are you going there?

To me, and you may be on to something I do not know about, but to me, and I am just giving you my perspective, Congressman, from what I hear from law enforcement people, it is not so much the definitions that are the problem, it is developing skilled sensitive questioning based on the definitions.

Mr. TANCREDO. Yes.

Mr. MILLER. Because police, immigration officials, and counsellor officials all over the world, whatever country, you really need some sophisticated training to ask the right questions. But I would like to pursue this further. If there is a key provision where you think the State Department is taking too much discretion, I would be happy to follow up on it.

Mr. TANCREDO. I do not know that that is the case. I just simply wanted to get your impression of, if you have discretion, on what basis do you make any decisions.

Mr. MILLER. Yes. Yes. Well, when I look at these definitions, they do not seem to allow much discretion as far as I am concerned.

Mr. TANCREDO. Agreed.

Mr. MILLER. When we are applying the law, we are trying to apply it as literally as we can in looking at the situations in different countries.

Mr. TANCREDO. Okay. Thank you. Thank you, Mr. Ambassador. Thank you, Mr. Chairman.

Mr. MILLER. Thank you.

Mr. SMITH. Ms. Watson.

Ms. WATSON. Thank you, Mr. Chairman, and again welcome, Ambassador Miller.

I just returned from a codel going to Chad and the Sudan, and we were among 250,000 refugees. We were told that most of the

women there had been raped. Now we had the AU and we had some from the U.N. and all, but we certainly do not have enough of our people there.

I am wondering, Is there any attempt to work with the administration in the Sudan on this issue?

Now, we have a bigger issue, and that has been the ethnic cleansing, and the genocide, but it is a feature that we need to focus on as they have come over to Chad as refugees, and their survival. So that is one issue. The other issue is labor trafficking, too.

Can you comment on those two issues, and what is being done?

Mr. MILLER. First, on the Sudan, Congresswoman Watson, you have correctly identified, basically, at least three. There are probably a lot more problems in the Sudan, but there is the genocide, there is the rape, and there is the slavery, and the three can overlap at times too.

Sudan, long before the outbreak at Darfur, there was a very significant slavery problem. Sudan, a couple of years ago, was rated tier three. There were NGO reports that thousands had been abducted and were being held in slavery.

So along with the challenge of stopping ethnic cleansing, along with the challenge of stopping rape, if there is to be peace in the Sudan, not only must the practices of slavery end, but those that were taken into slavery—in many cases transported hundreds, hundreds of miles—they have to be freed and allowed to go back to their villages. This is going to take a Herculean effort on the part of so many people, I suspect, including you and Congress as well as us in the State Department.

The second question you asked about forced labor.

Ms. WATSON. Yes.

Mr. MILLER. This remains a serious problem, and in your wisdom in this law, you have provisions that deal not just with sex trafficking, but forced labor trafficking.

I think the seriousness of it varies from country to country. In the United States, just to give you an example, the Berkeley Human Rights Law Center and Kevin Bales, who is a scholar in this area, just did a study of victims in the United States. These are estimates. I do not think they are claiming it is a scientific count because the victims do not stand up in a line to be counted. They found that of the victims in the United States, I think it was 8 percent were factory slaves, 9 percent were farm slave victims—it might have been the reverse—and then they had domestic servitude victims in the high 20s, and sex slavery victims up around 44 or 46 percent.

I think in some countries in the world it varies. I think there are probably some countries, for example, in Latin America, perhaps Brazil, where the proportion of farm slave victims would be higher than that, significantly higher if you were looking at a victim profile. I think there are some countries in East Asia-Pacific, for example, Malaysian Singapore, where the percentage of domestic servitude victims would be higher than that Berkeley Human Rights' United States study. I think there are some countries in Western Europe where the percentage of sex slavery victims would be way higher than that 44 or 46 percent.

Last summer I was visiting Czech Republic and Germany and I remember asking German officials, "What do you think, how would you break down the categories of slavery?" They said, "Oh, sex slavery, 80 to 90 percent."

So those percentages vary country to country.

Ms. WATSON. Let me just respond, if I have a minute left, Mr. Chairman.

I have approached the Secretary of State about going back with a code, a high-powered one to the Sudan on all those issues that you had mentioned. But you know, we might be able to use the companies that have built the pipeline in Chad to be like the unofficial official, shall I say a diplomat there, like we do Coca-Cola in many of the countries where they are.

We did tour the pipeline, and I think if they could have on their, shall I say "social responsibility" side, assist us until we can really sit down with the Sudanese and work something out. That might be a way to go, and I just throw that out. We can talk about it later.

Mr. MILLER. I would be delighted to talk.

Ms. WATSON. But we have to use every means that we have to attack these problems.

Mr. MILLER. Yes, and you are on to something when you talk about involving the private sector given the role they play in a particular country.

Ms. WATSON. Exactly.

Mr. MILLER. In West Africa, there are nongovernment organizations that involve the chocolate industry, the producers of the finished products, in an effort to try to address the farm slavery on the cocoa farms.

Ms. WATSON. Sure.

Mr. MILLER. We have been trying this past year to involve our tourism industry in cooperation. I am talking about airlines and cruise lines and hotels, and we have had one tremendous success with Carson Wagonlit, and we are hoping to build on that.

But I would be delighted to talk with you further on this.

Ms. WATSON. Yes, and you know, in South Africa, Daimler-Chrysler, for instance, has a program to prevent AIDS and to monitor AIDS, and they put their own together because of their workers.

The pipeline employees, maybe 500, are natives around in that area, and they seem to be very interested. So we need to talk about that, and to see if we cannot use the private sector industries that you just mentioned more effectively in these countries where we cannot always get there ourselves. As a democratic diplomatic group, we might be able to do this through the businesses, so I would like to have further conversation on this.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. FLAKE.

Mr. FLAKE. Thank you, Mr. Chairman, and thank you for the testimony.

You mentioned with regard to Cuba—and I am sorry, I missed the hearing that we had last week on this subject—that the interest section had sought a response from the Cuban Government,

and had not received any, or something to that effect. It is my understanding that our interest section in Cuba is prescribed from actually contacting government officials there. I can be corrected on that if that is the case. I know we have some cooperation with regard to drug trafficking, we are allowed, but it is not at the level of the interest section.

What is our policy, as you see it there, and would it be aided by an ability to more easily contact those officials?

Mr. MILLER. Well, first of all, I obviously have some checking to do because I was under the impression that we submitted suggestions and a mini-plan. I do not know how exactly it was, whether an interest section official did it or it went through the SWISA, I do not know how.

Mr. FLAKE. Okay.

Mr. MILLER. With that I do not know how it was done, and I will check on that.

Well, you are above my pay grade when we are talking about relations with Cuba. I am interested in ending slavery and throwing traffickers in jail throughout the world. So I would be delighted to see Cuba make progress on this issue regardless of all their other problems, yes.

Mr. FLAKE. Yes. Well, I am not at all confident that they will.

Mr. MILLER. Yes.

Mr. FLAKE. There are so many other human rights abuses and problems there, and I am not sure they will make progress here.

Mr. MILLER. Yes.

Mr. FLAKE. But it seems to me our policy of just saying that if we contact you or try, it would be, in this instance, counter-productive because we have actually had a fair amount of cooperation on the drug side.

Mr. MILLER. Yes.

Mr. FLAKE. And that has been productive, and perhaps it would be here as well. And perhaps there are contacts that I am not aware of that are allowed, but I believe that our policy is with our interest section there that they are prescribed from any contact with government officials.

Mr. MILLER. Okay. Well, let me get back to you to discuss this further.

Mr. FLAKE. That would be appreciated. Thank you so much.

Mr. MILLER. Yes.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED AFTER THE HEARING FROM THE HONORABLE JOHN R. MILLER TO QUESTION ASKED BY THE HONORABLE JEFF FLAKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

The U.S. Interests Section (USINT) regularly shares information through diplomatic channels with the Cuban Ministry of Foreign Affairs. The Castro regime restricts USINT's interactions with other Cuban government ministries. In June 2004, the interest section delivered a copy of the *Trafficking in Persons Report* on Cuba to the Cuban Ministry of Foreign Affairs, which the Cubans promptly rejected.

Mr. SMITH. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

You went into great length talking about what the U.S. Department of Defense is working on, and we have defense contractors in many countries, and in the bill on page 34, we start with the De-

partment of Defense, Director of Anti-Trafficking policies, and it is pretty prescriptive in here. It says the Secretary may not be assigned any responsibilities that are not directly related to the trafficking in persons.

So I am wondering why we need—or in your estimation do we need to have a new position created at the level of Director of Anti-trafficking Policies at the rank of Assistant Secretary? Could there not be some liaison work or someone assigned from the Department of State to work on that?

Because the Department of State is going to compile the report, it is our Government's report, it is our Government's policy. I am just wondering why we are creating what could potentially be a silo, another bureaucracy that the State Department has to go through there to receive information. It is, in my opinion, Mr. Chair, that quite often, especially in this Committee, we can get information from the State Department, but we just had a hearing recently in which GAO could not even get information from the Department of Defense. So I am wondering why we are segregating this out.

Mr. MILLER. Well, just reading this section quickly, I do not think this has to do with our report. I think it has to do with implementing Defense Department anti-trafficking policies within the Department of Defense, and—you know, whether that position is good or bad—I think I would have to defer to the Department of Defense or the Administration to come to a decision on that. I can attest that there has been increasing progress and cooperation on this issue in the Department of Defense, but I am not knowledgeable enough to know the pros and cons of this position.

Mr. SMITH. Would my friend yield?

Ms. MCCOLLUM. Yes.

Mr. SMITH. The genesis of the original law when we wrote it was to create an Interagency Task Force. The Secretary of State, the Attorney General, and other high level people in the bureaucracy were all part of this group. Then, their designees obviously do much of the heavy lifting, although they were at, as was I, the first meeting where Secretary of State Colin Powell called to order this group of very high level bureaucrats within the Administration. We really believe we left out the Department of Defense inadvertently. When we did our request a couple of years ago and found out that trafficking victims by the hundreds from Russia, the Philippines, and other countries were in very close proximity to our military bases in South Korea, it became very clear that there was a lack of knowledge and a lack of commitment to mitigating and hopefully ending the abuse of women outside of these military bases in South Korea.

We also asked the Inspector General to look at what was going on vis-a-vis Bosnia and other places where United States deployments were. The reports that came back were that there is no set policy. There needs to be. As a matter of fact, to his credit, President Bush put into place a zero tolerance policy with regards to our military. The uniform military code of conduct is being written right now as we meet to not only preclude trafficking and complicity in it, but prostitution as well. The other twin, if you will, the evil twin which is very often so closely associated with human

trafficking, that is being written right now so that there is a zero tolerance policy.

We had a hearing on this last year. We did it jointly with the Helsinki Commission, which I chair, and the Armed Services Committee, which Duncan Hunter chairs. We heard from General Leon LaPorte, who is the Supreme Allied Commander in South Korea; Inspector General Joseph Schmitz; and Ambassador John Miller and others. General LaPorte has a very strong proactive, best-practices for the whole chain of command as to what they can do to ensure that our soldiers are not compliant in any way, shape or form in this. Not to have the DoD people properly tasked, funded, resourced with the right kind of personnel, out of a \$400 billion budget, it seems to me a drop in the bucket to make sure that we have a very proactive unit within the Department of Defense.

I saw it even further, if the gentlelady would continue yielding, when we traveled over to Brussels and asked that the NATO have a zero tolerance policy. We met with a number of Ambassadors and a number of military people. The military people had significant push back, to my chagrin and dismay, not ours but some of the other countries that were in these meetings. You know, they do not get it and we tried to be as forceful as we could. Ambassador R. Nicholas Burns did an outstanding job in promoting the idea of zero tolerance and full compliance with that zero tolerance policy. They now have it.

So it seems to me wherever there are soldiers gathered, the traffickers will see that as a payday for them and will bring women in. Bases will become a magnet for these trafficked women. We found further, that the way the Russian women were getting there and the others into South Korea, for example, was under the ruse of this bogus entertainment visa where the South Korean Government allowed the mafia and the mob to bring these people in. We heard from Russian women who said they took their passports as soon as they came in, and now they are working in this brothel and cannot leave.

To its credit, the South Korean Government has passed landmark legislation across the board on trafficking and prostitution. They got rid of this egregious faction known as the "entertainment visa," which was nothing but a means of facilitating trafficked women into South Korea. We want to do even more. We see with the peacekeeping, they are not United States peacekeeping, but in the Congo everyone talks a good game, but where is the enforcement? Where is the penalty phase?

Again, I want to congratulate Ambassador Miller for being so aggressive on the military side as well. Went in the building, so to speak, to ensure that these things happen.

I do thank my friend for yielding.

Ms. MCCOLLUM. Well, Mr. Chair, the point that I am concerned about is that we have had a great deal of problems getting information from the Department of Defense even with, quite often, abuses that are committed at our military academies. So, by having the Department of Defense have, in my opinion, what appears to be sole control of this issue and then either saying it is classified or they do not have to share it with State or if we call them in, they say, "No, that is going to be discussed in the Military Affairs Com-

mittee because it is DoD." I am just concerned that be fully vetted out before we create a Director of Anti-trafficking Policies at the rank of Assistant Secretary. That, in fact, you are getting what you think you are going to get rather than have a barrier put up or being told, "No, we are handling that." The State Department and Ambassador Miller's people do not need to be coming in, looking at or working with, because we have seen a lot of division lately between the State Department and the Defense Department. In my opinion at times, and I know that is not the intent of the authors' language, the Defense Department is literally taking things away from the Department of State, and saying, "No, this is ours now."

Mr. MILLER. Yes.

Ms. MCCOLLUM. So I have a concern about the way things will be reported back by creating another bureaucracy, a bureaucracy in the Department of Defense, which has not been very forthcoming at all with either the House Armed Services Committee or with this Committee with many questions that we have had put forth dealing with abuse, sexual abuse in particular. That was my point, Mr. Chair.

Mr. SMITH. I appreciate that. If the gentlelady would yield, I assume that there will be a goodwill effort until shown otherwise. The same could have been said about everything we are doing with the State Department, that they will just take this report, and perhaps because good relations with nations is important, paper over the problems on human rights in general and sexual trafficking and all forms of trafficking in particular. Nothing could have been further from the truth in its implementation.

One of the keys is having someone at the helm like Ambassador Miller, people who get it, and who understand that this is a heinous form of human rights abuse. There is already an effort underway within the Department of Defense, the problem is they do not have the clout. They do not have the resources to do the job where it is commensurate with the need.

Of course, we will do very strong oversight on this. I have spoken to the Chairman of the Armed Services Committee who, again, co-chaired that hearing we had last year, who will do vigorous oversight on it as well. Until shown otherwise, I think we need to say that we need more eyes and ears, more proactive individuals who will fight the inside battle so it does not get put on a back burner where nothing happens on trafficking, or boys will be boys, and that whole modus operandi will take hold.

That is the kind of push back we got from some of the NATO people. That is what we got at the OSCE when we had a provision dealing with trafficking in the militaries. We got a consensus from 54 of the countries, only to have one country, Russia, break that consensus. We are going right back at the ministerial to try to fight to get them on board and shame them into it, if necessary. Why is their military exempt from a code of conduct that should apply to every military man or women anywhere in the world?

Mr. MILLER. I think this is really a—excuse me.

Ms. MCCOLLUM. It is a managerial problem.

Mr. MILLER. Yes.

Ms. MCCOLLUM. I think that the Chair and I have different experiences with the Department of Defense. Until the Department of

Defense can prove to me that it can put its house in order, and it has not proven to me that it can and the State Department has been aggressive, has a protocol, and has respect in this area, I just in my opinion right now feel more confident with the State Department taking the lead on the issue. So we will work on this as we move forward, Mr. Chair.

Mr. MILLER. Yes. Madam Congresswoman, just to avoid any confusion, the State Department does not direct the Department of Defense in its anti-trafficking policy. I think they have given us good cooperation and we work with them.

I would say from your point of view, whether you set up a position within the Defense Department or you do not, you, and I assume the President and the Secretary of Defense, want to see that anti-trafficking, training, and policies are carried out, and the question is: What is the best way to get them carried out? But it is not like we are going to take over Defense Department training. That is not something we can do.

Mr. SMITH. Could I ask the Ambassador, do you support the provision in the bill dealing with the military?

Mr. MILLER. Which provision?

Mr. SMITH. The provision dealing with the establishment of an office and a designated person?

Mr. MILLER. As I said, this is not something that we have taken a position on, and I think this is something for the Administration and the Defense Department to look at. We have gotten very good cooperation from the Department of Defense in the last year or 2. That I can say.

Mr. SMITH. Yes, Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman, just one other question.

We have all been made aware of the incredible problems in Mexico and just across the board, the many women who have been found dead in Juarez, the fact that even the U.N. has now established a commission, provided some sort of report or provided some sort of leadership in this area, but are you, number one, able to tell us if there has been any progress made in trying to identify the perpetrators, what is happening down there, and whether or not this is being dealt with appropriately?

Mr. MILLER. I cannot give you an answer on that specific case. I can tell you that I have great concern about the trafficking situation in Mexico. Mexico is on the tier two Watch List. I was just down in Mexico last November, I think. I am hoping that Mexico will actually get some convictions of Mexican traffickers. There were a lot of investigations and prosecutions at that time, but no convictions.

I hope that better relations will be set up between NGOs and the Mexican Government to provide protection to victims. We are in dialogue with the Government of Mexico. We recognize that as their neighbor we share responsibility for the challenge, but there are a lot of things that needs to be done in Mexico to fight trafficking of persons.

Mr. TANCREDO. I understand that the State Department report recently identified some serious concerns about corruption in the customs.

Mr. MILLER. Yes.

Mr. TANCREDO. All the officials that deal with this issue down there are quite corrupt. I do not know, but it could be an enormous problem all over the world, but here it is on our door step and making matters even worse. I just wondered if you had any observations.

Mr. MILLER. No, I do not have any specifics on that case.

Mr. TANCREDO. Thank you.

Mr. SMITH. Let me ask, Mr. Ambassador, I know you have got to run but one very brief final question.

Nearly a year and a half after the enactment of the 2003 legislation, have Federal agencies implemented the mandate in the law that incorporate termination clauses in Federal grants, contracts and cooperative agreements if a contractor engages in trafficking?

Mr. MILLER. As far as I know all agencies are aware of this law. We are in the process of drafting a regulation that will more thoroughly and in more detail implement the law. This is being discussed at the senior policy operating group. Your question is getting at whether any contracts have been terminated, and I am not aware of a contract that has been terminated on this basis, but I am not aware of a contractor who was in violation of this provision.

If you hear of such, please let me know immediately.

Mr. SMITH. Ambassador, thank you.

Mr. MILLER. Thank you.

Mr. SMITH. I know you have to go now.

Mr. MILLER. That is all right. You have got a great panel, people that have been on the frontlines on this issue, including a former colleague of yours, Linda Smith.

Mr. SMITH. Thank you, Mr. Ambassador.

Ms. MCCOLLUM. Mr. Chair.

Mr. SMITH. Yes.

Ms. MCCOLLUM. As the panel is coming forward, if I am out of the room, there is a markup with roll votes that Mr. Payne and I are both involved in, and I just wanted the Chair to know I will have to excuse myself for votes at some point.

Mr. SMITH. I appreciate that.

You too?

Mr. PAYNE. I even have another report at a meeting that is going on from 12 to about 2 o'clock. I want to hear this panel, at least most of them, and then will rush back and go over there to do the roll vote. It is a tough day but that is the day in the life.

Mr. SMITH. That is why we have a record, too, so we can all read it later.

Thank you so much to my friends for alerting us to that.

Well, our first panelist will be Beatrice Fernando, and I think we have kind of changed the order, and you will see why when she speaks.

She is an Associate of the American Anti-Slavery Group. Ms. Fernando, a native of Sri Lanka, was a victim of trafficking simply by answering an advertisement for an agency placing Sri Lankan housemaids with families in Lebanon. She has broken her silence by publishing her autobiography, *In Contempt of Fate*. Ms. Fernando has appeared on television and radio shows across the country, and has been profiled in several newspapers. She has spoken

to various communities about her story, and the state of slavery worldwide.

We will then hear from Congresswoman Linda Smith who served in Congress from 1994 to 1998. In November 1998, she founded Shared Hope International, a nonprofit based in Vancouver, to assist local leaders around the world in providing direct service, to rescue and restore women and children in crisis. Shared Hope International provides assistance to Homes of Hope in India, Nepal, Jamaica, Fiji, South Africa, the Dominican Republic, and the Netherlands. To build on the momentum of the international movement of anti-trafficking, Ms. Smith founded the War Against Trafficking Alliance in January 2001, to coordinate both regional and international efforts necessary to combat sexual trafficking.

Ambassador Shirley E. Barnes will be next. Ambassador Barnes of New York City is a retired career member of the Senior Foreign Service Class of Counselor. She was nominated by President William Jefferson Clinton and confirmed in 1998 as Ambassador of the United States of America in the Republic of Madagascar. She is currently Founder and President of the Barnes Findley Foundation, a nonprofit group focused on the promotion of education, training of career development for African women and girls. Ambassador Barnes received her Bachelor of Business Administration from Baruch College of the City University of New York, and her M.B.A. from Columbia University.

We will then hear from Dr. Sarah Mendelson who is a Senior Fellow with the Russia and Eurasia Program at the Center for Strategic and International Studies. Dr. Mendelson received her B.A. in History from Yale University in 1984, and her Ph.D. in Political Science from Columbia in 1993. At CSIS, she manages several projects that explore the links between security and human rights. Her current research includes collaborative work on public opinion surveys of Russian attitudes on democracy, human rights, Chechnya, and the military. Dr. Mendelson served on the Steering Committee for the European and Central Asia Program of Human Rights Watch, and Editorial Board of International Security, and is a member of the Council on Foreign Relations, Research Associate at Harvard University's Davis Center, and a member of the Program on New Approaches to Russian Security.

We will then hear from Dr. Julianne Duncan. Dr. Duncan is responsible for special programs for children and other significantly vulnerable populations in the Migration and Refugee Services, United States Catholic Conference of Bishops here in Washington, DC. The Migration and Refugee Services is coordinating the Catholic Coalition Against Human Trafficking, a coalition of 25 Catholic agencies united to provide the Catholic response to programmatic and advocacy issues on human trafficking. Dr. Duncan has both national and international child welfare experience. Her earlier work involved assistance to Southeast Asian refugees in Thailand and in the United States. She had developed a curriculum for parenting classes for Cambodian and other refugee ethnic groups, and taught parenting classes for refugees herself for many years. Dr. Duncan's degree is in Anthropology with a specialization in the mental health needs of refugees.

So if we could hear from Ms. Fernando and then follow with each of our distinguished witnesses.

**STATEMENT OF MS. BEATRICE FERNANDO, ASSOCIATE,
AMERICAN ANTI-SLAVERY GROUP**

Ms. FERNANDO. Congressman Smith and Members of the Subcommittee.

Thank you for the opportunity to speak before you on the problem of slavery. I cannot believe that I am here speaking to political leaders of the most powerful country in the world. If I close my eyes, the memories of pain take me back to a time when I felt all alone. It happened two decades ago, but it feels as if it is happening right now.

I was at the airport in Colombo, Sri Lanka, saying goodbye to my 3-year-old son. With his eyes filled with tears, he asked, "Can't I come with you, Mom? When you make a lot of money will you buy me a car to play with?" My heart breaking, I took him into my arms and told him, "If I had the money, I would buy you the world." My desperation to give him a better life drove me to leave him with my parents, to go to Lebanon and be a maid.

At the job agency in Beirut, my passport was taken away. The agent made me stand in line with a group of women in the same predicament as myself. Lebanese men and women pace in front of us, examining our bodies as if we were vacuum cleaners. I was sold to a wealthy woman, who took me home to her mansion, up to the fourth floor balcony of her condo building.

My chores seemed unending. I washed the windows, walls, and bathrooms, shampooed the carpets, polished floors, and cleaned furniture. After 20 hours, I was still not done. There was no food on my plate for dinner, so I scavenged through the trash. I tried to call the job agency, but the woman had locked the telephone. I tried to leave, but the door was locked.

I can still feel the burning on my cheeks as she slapped me. It was night and the kids had gone to bed. Grabbing me by the hair, she banged my head into the wall and threw me to the floor. She kicked me and hit me with the broom. If I were to scream or fight back, she would kill me. So I would bite my lips to bear the pain, then I would pass out. That was my daily routine, the life of a slave.

One day I was standing on the balcony of her condo, four floors up. I was holding onto the railing staring down at the ground far below. I felt my heart racing. I missed my son. I knew he was waiting for me. There was no other way to get home. I grasped the railing, closed my eyes, and asked God for his forgiveness if I die now. It was no suicide attempt. I was desperate for freedom, not death. With the tiny hope that I might survive, I let go of the railing, and dove backward into the air.

Dear leaders of Congress, how did a nice Sri Lankan girl like me end up jumping off a balcony in Lebanon? How did I end up in slavery? Could this have been prevented? And how did I survive the leap? In my brief testimony today, I want to address just those issues.

I understand that I have only 7 minutes, but I am a member of Toastmasters, and I appreciate the time. But let me make a few

observations about the problem of human trafficking from the point of view of someone who has experienced it.

Number one: Public awareness. I needed to make a living so like many people from South and Southeast Asia, I pursued work in the Middle East. I got swept up in human trafficking because I did not understand the risks and did not know how to look out for myself. I had no idea that my passport would be taken away, and I did not know that I would not get paid. An important way we can reduce the power of traffickers is to educate at-risk populations. My suggestion is to make sure that there are public service announcements and public education campaigns not just in the U.S. but also around the world. For example, I am ready today to record a message for Sri Lanka, in Sinhalese, about what happened to me and warning them to be aware.

Number two: Monitoring the job agencies that send people to work in the Middle East. In my case, there was one office in Sri Lanka and one in Lebanon. The directors of both offices are responsible for what happened to me. These agencies are sending thousands of people to work overseas. In fact, the population of Kuwait is two-thirds foreign workers. The percent of foreign workers in the UAE is even higher. People like me are actually the majority, even though we have no guaranteed rights. My parents were worried sick when they did not hear from me, but they had no way to reach me. My idea is to insist on having registration programs so relatives and workers can always track them down. We also need accountability and to pressure governments around the world to monitor the job agencies more closely, and make these agencies liable if employees' rights are violated by their employers.

Number three: Giving survivors of slavery a platform to speak. After I jumped off the balcony, I woke up in the hospital paralyzed. Eventually, I made it home to Sri Lanka, but I was ashamed to speak about it. I prayed to God for strength, and after many years of silence, freedom in this land has helped me to find my courage to write my story, which I have published recently, *In Contempt of Fate*. Thankfully I met someone from the American Anti-Slavery Group, an organization that has adopted me as a member of its Bearing Witness Program for survivors of slavery. To remove the shame from slavery, we need to encourage survivors to talk openly about their experience to help victims recover. Our message is that there is no reason to be ashamed. Believe in yourself and hold onto your faith even if one treats you like an animal. There is a spiritual and psychological side to the recovery process that should not be neglected.

Four: Monitoring anti-trafficking performance in foreign countries. Every year the State Department's annual report of trafficking should list the amount of money each country spends on anti-trafficking efforts. We need to evaluate if funding matches performance. The report should also document the repression of anti-slavery groups. For instance, in Mauritania, the Government still bans the abolitionist group SOS Slaves. The United States should be more supportive to anti-slavery activists in repressive countries like Mauritania or Burma where the Government does not allow free discussion on the issue of slavery. The United States should

fund a commission of Government officials and NGO activities to ensure the liberation of all slaves in Sudan.

Dear congressional leaders, I speak before you on behalf of the millions of slaves who could not be here even if you invited them. Just a few weeks ago I read about an Indonesian maid enslaved in Bahrain who, like me, jumped off the fourth floor balcony. It hurts me to think that women are still facing the same agonizing choice. We can help these women, children, and men by educating them about the dangers of slavery groups before they get trapped, by monitoring the job agencies and helping victims overcome their shame after they escape. We need to hold accountable the repressive governments that are part of the problem rather than part of the solution.

Thank you again for inviting me to testify.
[The prepared statement of Ms. Fernando follows:]

PREPARED STATEMENT OF MS. BEATRICE FERNANDO, ASSOCIATE, AMERICAN ANTI-SLAVERY GROUP

Congressman Smith and Members of the Sub-Committee:

Thank you for the opportunity to testify before you on the problem of slavery. I cannot believe that I am here, speaking to political leaders of the most powerful country in the world. If I close my eyes, the memories of pain take me back to a time when I felt all alone. It happened two decades ago, but it feels as if it were happening right now.

I am at the airport in Colombo, Sri Lanka, saying good-bye to my three-year-old son. With his eyes filled with tears, he asks, "Can't I come with you, Mom? When you make a lot of money will you buy me a car to play with?" I take him in my arms, my heart breaking, and tell him, "If I have the money, I will buy you the world." My desperation to give him a better life has driven me to leave him with my parents, to go to Lebanon and be a maid.

At the job agent's office in Beirut, my passport is taken away. The agency staff makes me stand in line with a group of women in the same predicament as me. Lebanese men and women pace in front of us, examining our bodies as if we were vacuum cleaners. I am sold to a wealthy woman, who takes me home to her mansion up on the fourth floor of a condo building.

My chores seem unending. I wash the windows, walls, and bathrooms. I shampoo carpets, polish floors, and clean furniture. After twenty hours I am still not done. There's no food on my plate for dinner, so I scavenge through the trash. I try to call the job agency, but the woman who now owns me has locked the telephone. I try to flee the apartment, but she has locked the door.

I can feel the burning on my cheeks as she slaps me. It is night and her kids have gone to sleep. Grasping me by the hair, she bangs my head into the wall and throws me to the floor. She kicks me and hits me with a broom. If I scream or fight back, she will kill me. So I bite my lips to bare the pain and then I pass out. This is my daily routine, the life of a slave.

But now I am standing on the balcony of her condo, four floors up. I am holding onto the railing, staring down at the ground far below. I feel my heart rising. I miss my family, and I know my son is waiting for me. There is no other way to get home. I grasp the railing, close my eyes, and ask God for his forgiveness if I die now. This is no suicide attempt. I am desperate for freedom, not death. With the tiny hope that I might survive, I let go of the railing. I dive backwards into the night air. And I scream.

Dear leaders of Congress, how did a nice Sri Lankan girl like me end up jumping off a balcony in Lebanon? How did I end up in slavery? Could this have been prevented? And how did I survive the leap? In my brief testimony today, I want to address those questions.

I understand that I only have a few minutes for my testimony—and I am a member of Toastmasters, so I appreciate time limits!

Let me make a few observations about the problem of human trafficking from the point of view of someone who experienced it.

- 1) *We need more public awareness campaigns about the dangers of trafficking.*
I got swept up in human trafficking because I did not understand the risks. I needed to make money, and like many people from South and Southeast

Asia, I pursued work in the Middle East. I didn't know my passport would get taken away, and I didn't know that I wouldn't get paid.

We can reduce the power of traffickers by educating at-risk populations. People don't know what can happen to them and can easily be tricked. So here is my suggestion: We need to make sure there are public service announcements and public education campaigns, not just in the US but around the world. For example, I am ready today to record a message for Sri Lankans, in Sinhalese, telling them about what happened to me and warning them to be aware.

- 2) *We need to monitor—and make sure other governments are monitoring—the job agencies that send so many people to work in the Middle East.* In my case, there was an office in Sri Lanka and an office in Lebanon. The directors of these offices are both responsible for what happened to me. They did nothing to help me, and they never paid me. These agencies are sending thousands of people to work overseas. In fact, the population of Kuwait is two-thirds foreign workers. The percent of foreign workers in the United Arab Emirates is even higher. People like me are actually the majority, even though we have no guaranteed rights.

The waves of workers arriving in these countries come through job agencies, but the agencies are not being watched closely enough. One idea is to insist that agencies have registration programs, so relatives of workers can always track them down. My parents back in Sri Lanka were worried sick about me and couldn't understand why I wasn't answering their letters. But they had no way to reach me. We need accountability, and we should pressure governments around the world to monitor job agencies more closely. And job agencies should be made liable if employees' rights are violated by the contracted employers.

- 3) *We need to give survivors of slavery a platform to speak out and help other survivors recover.* After I jumped off the balcony, I blacked out. I woke up later in the hospital, paralyzed. Eventually, I got a flight home to Sri Lanka. I didn't speak much about what had happened to me. I was ashamed, and I quietly prayed to God for strength. Only a few years ago, I began to feel I was ready to discuss what had happened to me. So I sat down and wrote my autobiography, which has now been published under the title *In Contempt of Fate*. And thankfully I met someone from the American Anti-Slavery Group, an organization that has adopted me as a member of its "Bearing Witness Program" for survivors of slavery.

We need to remove the shame from slavery. To do that, survivors need to talk openly about their experience in order to help victims of trafficking recover. Our message is that there is no reason to be ashamed, even though you will at first feel ashamed. Our message is that you have to believe in yourself and hold on to your faith, even if people will treat you like an animal. There is a spiritual and psychological side to the recovery process that should not be neglected.

- 4) *We need to have even tougher monitoring of foreign countries.* Every year, the State Department's annual report on trafficking should list the amount of money each country spends on anti-trafficking efforts. We need to evaluate if funding matches performance. The report should also document the repression of anti-slavery groups. For instance, in Mauritania the government still bans the abolitionist group SOS Slaves. The US should do more to support anti-slavery activists in repressive countries where the government doesn't allow free discussion on the issue of slavery. And the US should fund a commission of government officials and NGO activists to ensure the liberation of all slaves in Sudan.

Dear congressional leaders, I speak before you on behalf of the millions of slaves who could not be here even if you invited them. Just a few weeks ago I read about an Indonesian maid enslaved in Bahrain who, like me, was so desperate that she jumped off a fourth-floor balcony. It pains me to think that two decades after I had to dive off a balcony to save my life, women are still facing the same agonizing situation.

We can be doing much more to help these women—and children and men. We need to educate them about the dangers of slavery before they get caught up. We need to monitor the job agencies that ensnare them. We need to help them overcome their shame after they escape. And we need to hold accountable the repressive governments that are part of the problem rather than part of the solution.

Thank you again for inviting me to testify.

Mr. SMITH. Ms. Fernando, thank you so much for your willingness to be here, and to bear witness to a terrible truth, and you do speak for the millions of women and men who are entrapped by slavery. For that we are also very grateful. Thank you for your testimony.

Congresswoman Smith?

**STATEMENT OF THE HONORABLE LINDA SMITH, PRESIDENT,
SHARED HOPE INTERNATIONAL (FORMER MEMBER OF CONGRESS)**

Ms. SMITH. Thank you, Mr. Chairman. I sit here remembering the first time I testified, and all I could think about was the Chairman and his passion, and today I think again about the Chairman and his passion. Many issues start and they are popular for a moment, and then policymakers go to another issue. Thank you for staying and fighting for this issue, and giving us a chance to sit here today and tell you what is happening around the world.

I shared earlier that I was sure you would rather be where I was last week. I was interviewing girls trafficked out of Africa and throughout Africa, into the Netherlands and into the legal prostitution in the Netherlands. Because you are hands-on, you absolutely want to know what is going on. But what I want to do today is say I think John Miller is doing a good job as the Ambassador. I think he is doing a great job. He is aggressive. He is ruffling feathers around the world, and some of the feathers need to be ruffled. He is making some of our Ambassadors mad and some of theirs, and that means they know he was there. So he is making a difference, and our department, the Trafficking in Persons Department, is making a difference, and I want to commend them.

The President's strong stand is commended by me and criticized by others that say, "Stop speaking." But the moment the American Government and people stop speaking about freedom, there is a moment we are not America. So I commend the President and this Administration for speaking. The Justice Department is all over the world. Homeland Security is watching, making sure that sex trafficked victims are not victimized by an American, and arresting, and of that I want to tell you I am very proud.

America is aggressive, and again we do get criticized for that, but the Trafficking Victims Act is working and the evaluation is working. But most significantly, today I want to talk a little bit about what I believe is missing. We have to tackle the issue of demand. I am so tired of hearing documentaries that talk about the victim, and I have been involved in saving thousands of women and children now that are in our shelters all over the world. I am excited when I see them, but I am disgusted when I see the man's face covered—if he is there at all. We have to fight that, and I will make my commitment that that is going to be Shared Hope International's greatest effort over the next couple of years.

House Resolution 972 is good. I was glad to see the comprehension in it. I realize there will be criticism of it. There always is. But on our part, Shared Hope International says, "Good job, we support this bill, we want to stand with you. We are happy to look at any adjustments that you might have, or anything you find." It is going

to have to grow. Trafficking grows and it evolves, and we are going to have to do that, and again thank you.

I have been asked today to just comment on restoration services in the portions of the bill that talk about that. I like the idea of the pilot projects. Shared Hope has developed pilot projects all over the world. We have a 72-acre development in India, a 40-some-acre development in Fiji. These are long-term restoration services for women and children. We have had women in our system as long as 7 years, and as little as 7 days, and actually maybe a little less now because I identified a 15-year-old in Switzerland while I was in Amsterdam this week.

I want to mention, though, that the restoration services have a lot of the same things in common, and those things that are in common you would not be surprised at. They are intervention. We have to go where the girls are. We have to find them. I spent last week in 3 inches of ice in bad weather, and I sound like it, do I not? I found a lot of girls.

There is an underground in Europe where the girls are hiding so they do not get deported back to countries where they will get killed. We have a lot of issues there. There is a marketplace of victimization that is built in several countries, and some of them are friends, and they are allies.

To this I want to say to you, our Government is telling our allies you cannot have slaves either. I really do appreciate that because friends do not let friends have slaves. Truly we have some allies, like the Netherlands and like Australia, who have significant number of trafficking victims. An identification project, just this last year, identified over 300 trafficking victims in Australia in 5 weeks. Last week I identified, I am not sure how many total, but it is in the dozens just last week in the legal brothels of Amsterdam.

First, effective rehabilitation programs must be holistic, but they also have to be long-term, they cannot be short. Second, they have to be safe. One of our biggest costs is security. We have built secure roads and fences on the 72 acres out in a secluded area, and we have hired additional guards because our girls are a valuable commodity.

You realize in a marketplace you have to have product. That product is to be taken to be sold, it is best if you do not have to pay much for it. So stealing it or getting a child is an easy way to get a product to sell in a brothel in Amsterdam, Australia, Cape Town, South Africa, Goya, India, and I can take you all the way around the world to the places you would go on vacation, and that is where we find our children and our young women. Often, in areas like Cape Town, Sri Lanka and other places, our little boys.

Third, we have to stop thinking about 30 days. So when you look at the models, that there are beautiful, wonderful people around the world. I am sure you are going to hear about them from others today, who are in the country. They have already invented the wheel. They are developing great programs. They are quiet. They are not talking about it because the bad guys are dangerous to them. We need to find them, and that is what Shared Hope does. Our underground—you might call it—is developed of people who have already sacrificed their lives, have sacrificed all of their income, and they are out there on the frontline and they did it with-

out any Federal grants. So we need to find them because if we are going to find the best, we need to find the ones that already have done it. We do not need to go in and create new things.

I would like to share with you just a little bit about one of the girls in Australia. I do the interviews now. Over the last 7 years I found that the girls trust me. I have never lost a girl, and so I actually used the U.N. protocol. For you that want to know how we identify trafficking victims, we have a format that identifies the recruitment, the transportation if there is one, the age, the ethnic issues, the terms of the enslavement, and the use of the person. Those will then align back to the U.N. protocol or the TVPA. That is how we determine what a trafficking victim is.

We did this with nearly 300 trafficking victims in Australia. What I would like to show you is part of an interview so you get an idea of one of the girls. These are not just big numbers. These are people. These are precious girls and many are taken right out of universities. Last week several of the girls came out of universities in Africa, all over, who were too poor to go to school. They were promised they could go to school in Europe, and they were put in a brothel and raped the same day they got into Europe.

These girls in Australia, it was similar. The girl you are going to see is bright, smart, and not now in any university.

[Video tape played.]

Ms. SMITH. I am not going to show you the rest of this. This happens to be a pedophile out of Cape Town, South Africa, and his eyes should have been covered, usually without seeing his face.

We are actually interviewing sex tourist pedophiles and situational offenders all over the world inside brothels and resort areas. Sometimes when they are a little drunk, sometimes they do not actually know that we are not the Federal Government, so entrapment is not an issue.

Last week in Amsterdam most of the people we focused on were Nigerian women. We do have homes in Amsterdam. Our biggest problem there is deportation. Many countries of the world are right behind us, and the question comes with some of us advocates regarding what do we do when the law says they cannot go home and they cannot stay? If you are in Amsterdam right now, you cannot get amnesty, and they do not ask if you are a trafficking victim. If they decide to prosecute you, you can stay a year before they deport you. If they deport you, the Nigerian gangs are famous for killing the people that were trafficked. So we are having some real issues as advocates around the world. They cannot stay. They cannot go. And so there is a system, a network of homes around the world, and we do have some of them.

I am going to tell you just one last story, and then I want to ask you a question. Ganga was about 10. She is not sure because they do not have birthdays for girls in some countries. We think she is about 10 by her medical records. But she was trafficked from Nepal to India, and she was kept in a dark place without going outside for about a year. Then she was put into forced prostitution. Ganga was rescued by us about 5 to 6 years ago, and she now works for us. What we are finding is that there are wonderful people, like this lady beside me, who are the strongest workers around the world, and Ganga now works for us. This time last year my hus-

band and I flew to India, invited 500 of our closest friends from throughout India—many of them trafficked girls who are in our systems there—and Ganga got married.

I leave you with that because I say the human spirit is strong. What you are doing is right. No person should be in slavery, and there is hope for every person, and there are Gangas like that out there. So thank you for everything that you are doing, and I am honored to sit here today with you and share what your bill has done.

[The prepared statement of Ms. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE LINDA SMITH, PRESIDENT, SHARED HOPE INTERNATIONAL (FORMER MEMBER OF CONGRESS)

Thank you Mr. Chairman, for the opportunity to testify on H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005. It is always an honor to come before your subcommittee because of the great respect I have for your passionate and tireless commitment to defending the world's most vulnerable victims.

It is encouraging to see the continued commitment by many in Congress to fine-tune and further develop our anti-trafficking efforts at home and abroad. I am honored to have the opportunity to present what Shared Hope International has learned in its years of rescuing and restoring women and children who are victims of trafficking around the world.

The Bush Administration has taken significant leadership on this issue and should be commended for all that it has done so far. President Bush himself has demonstrated his commitment to eradicating the trade of persons both internationally and domestically by addressing the United Nations on September 23, 2003 and at the Department of Justice's National Training Conference on Human Trafficking held in Tampa, Florida in July of 2004.

Ambassador John Miller is a catalyst among international leaders evaluating government's progress and directing US dollars. I appreciate this opportunity to commend him for his bold leadership on this issue.

The Department of Justice is also moving aggressively to prosecute human traffickers. Since January 2001, Civil Rights Division's Criminal Section—working with U.S. Attorney's Offices nationwide—has charged, convicted, or secured sentences for 92 human traffickers in 21 cases. They have also developed city wide taskforces to increase the capacity of local law enforcement to identify victims and bring their traffickers to justice.

The effects of the Trafficking Victims Protection Act are being felt around the world. Regardless of whether you agree on the specific tier placements, it is clear that in the past several years the annual report issued by the Department of State's Office to Combat and Monitor Trafficking in Persons is pushing countries to make strides of progress to fight human traffickers and aid their victims. The United States government demonstrates its most noble leadership by holding our allies feet to the fire, encouraging them to take all necessary efforts to address trafficking in persons in their country. As a country of destination for trafficking, the United States can continue aggressively leading this international movement by strengthening the protection in our own country. Most notably we need to aggressively tackle the demand that creates market places of victimization.

H.R. 972 is a good bill and I strongly support it. It addresses many of the gaps that exist in the global fight against trafficking in persons. It deals with some issues we'd rather not acknowledge as a country—exploitation of child prostitutes by U.S. government personnel, U.S. government contractors and international peacekeepers—but it provides tools for ensuring that this exploitation is no longer tolerated. It also acknowledges, as did the original TVPA, that trafficking in persons is not something that happens only in other countries but is still a problem in our own country.

I would like to comment on two sections of the bill which I believe are very important:

- 1) The provisions to create pilot programs for long-term residential care facilities for trafficking victims in the United States and abroad, and
- 2) The provisions related to the protection of children in post-conflict situations and humanitarian crises.

Pilot Programs for long-term care

I am particularly pleased to see language in the bill that enhances services for trafficking victims, both domestic and international. Since the TVPA was passed, the United States government has dramatically improved its service for victims of trafficking in the U.S. There are still improvements that can be made—particularly in the area of housing for victims—and this pilot program will address that.

Creating a pilot project for programs will establish a basis for best-practices and development of services around the world. Starting with two pilot projects is useful, but I would hope this would not limit us to providing long-term residential care facilities in countries with high incidences of trafficking.

Helping women and children who are victimized is the core of Shared Hope International's mission since its inception in 1998. In the past six years, we have established Homes of Hope in seven countries—India, Nepal, Fiji, the Dominican Republic, Jamaica, South Africa and most recently, The Netherlands. All of Shared Hope International's Homes of Hope include the following services: outreach & identification, residential facilities, education, vocational training, and assistance with medical care and job placement. Each of these elements must be in place to provide effective care to trafficking victims.

A victim of human trafficking is a victim of a serious crime, a person whose physical, mental and emotional well-being has been severely damaged. While the seriousness of this crime is not in question, service providers, including ourselves, are still learning how best to bring about healing and long term restoration. I want to give credit to some of my colleagues working in the field who are pioneers on this issue. There was strong testimony presented on after-care to the Subcommittee on International terrorism, Non-proliferation and Human Rights on June 25, 2003 by Rev. Lauran Bethel with the European Baptist Federation, and Nancy Murphy, Executive Director of the Northwest Life and Family Center. I would refer Members to that testimony because it confirms my own experience in working with trafficking victims.

Of course every rehabilitation program must be tailored to the specific cultural context in which it is located, but there are some core principles that I have seen to be highly effective in the restoration and rehabilitation process.

First, effective rehabilitation programs must reflect a holistic view of the person. Programs must consider the displacement of a person who is a victim of trafficking, recognizing the many ways in which the person must be addressed for their long-term restoration. They must meet the needs of the woman and child, including their physical, mental, spiritual and social needs.

Second, effective rehabilitation programs must be safe. Security is one of the most crucial factors and often one of the most expensive to put in place. All facilities require significant security measures to protect the survivors from the threats of gangs, pimps and traffickers.

Third, rehabilitation care facilities must be available to the person for the long term. We must move from thinking of rehabilitation centers as “short-term shelters” to thinking in terms of “home” and “community.” A home is a place where a person can grow, learn and develop (or recover) a sense of independence with loving care and nurture. A home is a place where people care about you as a person. A home is a place where it is safe to share your feelings and experiences, both positive and negative, with people who will listen and will love you regardless. A home is a place where you belong. We have seen in our experience working with trafficking victims that these individuals need to feel loved and protected before they can move toward recovery. Every individual comes with their own unique story. This requires programs to have the flexibility to meet the individual's needs.

“Leila” is a Thai girl who was trafficked to Australia. I discovered her while conducting a human rights investigation in February of 2004. She was studying at a University in Thailand and withdrew. She felt responsible for providing the tuition costs for her brother and sister to also attend the University. Different “friends” from Bangkok told her they could get her a job in Australia. She trusted them and they flew with her to Sydney around the time of the 2000 Olympic Games. They told her she could work in a restaurant and make a lot of money. When she arrived they took her to a small hotel where she was kept and forced to prostitute. The girl who traveled with her knew they were going to be sold for prostitution; she had already been taken to other countries. “Leila” paid 50,000 Baht (USD\$1,300) to go to Australia. When she arrived she had to pay back A\$60,000 (USD\$47,500). Eventually, a customer became sympathetic and put her into hiding. She was taken to a safe place but still lives in fear of her traffickers, and believes her mother will not receive her knowing she was a prostitute.

I just returned from Amsterdam where I met with several strong and educated young women whose lives radically changed by the deception and exploitation of

human traffickers. “Sarah”, a Nigerian from Edo State, was recruited by a Nigerian trafficker who said that she could be a beautician in Europe and send money home for her family. She was recruited while she was in school learning economics. She is also the oldest child of a family with 9 children and believes she is financially responsible for her family. To intimidate and maintain control of “Sarah” the trafficker took her to a voodoo doctor where they had taken her nails, hair, and body fluids before leaving Nigeria. The first destination was Vienna, Austria where she worked in a strip club and was forced to prostitute. When she arrived in Europe she was told that she owed the trafficker Euro 35,000 (USD\$46,350.00). After 8 months she was taken to Amsterdam where she told a “client” what happened to her. He assisted her out of the brothels and introduced her to a place of safety.

“Vanessa” was a University student in Nigeria from Edo State. Vanessa was having trouble getting the money she needed for tuition and books. Another student said he had an auntie who helped people come to Europe. The lady was very nice and helped her get her papers. She arrived in Amsterdam where the woman told her that there weren’t jobs except prostitution. Vanessa did not want to do this and tried to get out. The woman held her captive and sent a man who raped her. They beat her and locked her up. Vanessa eventually ran away and went to Germany where she was picked up and put into an immigration camp. She was raped in the camp and got pregnant. She is now a mother of a five-month-old boy and are both safe in a Home of Hope.

The Netherlands does not provide residency status for victims of trafficking. They also can not return home to Nigeria due to the threat of being re-trafficked. Shared Hope International is establishing an economic program to enable these women to provide for themselves.

I have shared before the story of *Ganga* who came to our Home of Hope in India in 1998. Ganga had been trafficked from Nepal to India and brought to a brothel on Falkland Road in Bombay. She was malnourished, repeatedly raped and locked in a dark room for a year. She tried to flee numerous times but was always discovered and beaten harshly by her trafficker. She finally managed to escape with the help from one of our outreach workers. The good news is that a year ago January, my husband Vern and I went to Ganga’s wedding with 500 other guests at the Village of Hope. After five years of recovery she is now married and a leader at the Shared Hope International Village of Hope.

Anthea is a 19-year-old girl who is a victim of trafficking in South Africa. She was managed as a prostitute by gangs, addicted to drugs and was coerced by satanic rituals that included having most of her body covered in tattoos. She was identified by a local non-governmental organization (NGO) and offered a safe place to flee the gangs. When I first met Anthea she was pensive, withholding and adjusting to the requirements and comforts of the Home of Hope. After one year in the program, she was becoming a leader. We invited her to join a meeting with the Shared Hope International Board of Directors last fall. She came to tell us that she was accepting a job with the Home of Hope to help direct the girls’ center in Cape Town. As she sat around the board room table she looked around at each one of us and burst into an assertive tone and confidently proclaimed, “I am a person.” We were captivated by this young woman who, after a year in the Home of Hope, was radiating not as a victim of a crime but as a young woman who had come to a new understanding of who she really is.

Imagine taking any one of these girls and women and giving them 30 days to 3 months to recover in a safe home. Ganga was illiterate, did not have formal education, a family support network, and very little sense of worth. Women like “Vanessa”, “Sarah” and “Leila” are educated and in need of employment and protection in their home countries. All of these young women and girls have hopes and dreams. Each of them has a desire to be empowered to obtain their dreams and provide for their families.

These women and youth are viewed by the traffickers as products to be sold. Market places of victimization are no respecter of persons; it robs the individual of their value. Part of restoring a life, is recognizing the individual person by rediscovering and building her dreams, one life at a time.

The pivotal element to restoration is the long-term commitment and expectation that is given to the woman and children. It is about creating a place that the victimized person would identify as home and like good homes do, provide enough security and opportunity to help them further establish themselves after their period of recovery. *We can not underestimate the kind of time it takes for a person to regain their own sense of dignity and the acquired skills to be productive members of society.* They must have a place to call home for as long as it takes.

Fourth, more efficient and effective rehabilitation is provided when there is ongoing outreach to local service providers already working with women and children

and a commitment to build local capacity, including the capacity to provide effective security, so victims of trafficking can be incorporated into existing programs. We don't need to reinvent the wheel, just educate and build capacity into groups, including faith-based groups, currently committed to helping women and children.

Organizations such as Teen Challenge International have created models for addiction recovery programs that are often effective for victims of trafficking when applied to the specific cultural context and to the special needs of women and children. Shared Hope International's partners in three locations are modeled after the Teen Challenge recovery model.

Shared Hope International partners with local service providers to run Homes of Hope because we believe that local leaders committed to helping women and youth do develop the most culturally relevant and effective programs. We look for leaders who demonstrate a sacrificial and sustained commitment to helping vulnerable and victimized women and youth. We then educate them on the nature of trafficking and build their capacity to address the needs of trafficking victims.

One way the U.S. government could help the efforts of the anti-trafficking community worldwide would be to encourage US Embassies and the USAID Missions to routinely inventory NGOs providing a variety of services to women and children. There needs to be a deliberate strategy to identify a broader base of these NGOs, including the faith-based organizations that serve victimized women or youth in cities of destination for human trafficking and commercial sex tourism. We should then ensure that those providing *direct services* have an increased capacity to apply their programs to women and children trafficking victims.

I should also say for the record that the faith-based community has really stepped up to the plate on the issue of victim rehabilitation. There are new networks being developed around the world of faith-based groups willing and ready to engage in the work of rehabilitation. That is something that is encouraging to me personally.

Strategies for Preventing Trafficking in post-conflict situation and humanitarian emergency situations.

The other aspect of H.R. 972 which is very needed are the provisions that encourage the U.S. government and the international community to develop trafficking prevention strategies for post-conflict and humanitarian emergency situations.

After the Tsunami in Asia, the media highlighted the trafficking threat in countries such as Thailand and made it seem like it was a new problem. Those of us who have been doing anti-trafficking work know, however, that trafficking was already a big problem in many of those countries before the Tsunami. The only difference is that the Tsunami created a more expansive group of vulnerable victims—children without parents and women who, through the loss of a husband or family, lost their means of livelihood and support.

What is needed are short-term strategies for protecting vulnerable children and long-term strategies for assuring that women benefit from the reconstruction efforts and are able to gain meaningful employment. If women can find jobs and the ability to support their families, they will be less likely to fall prey to traffickers.

Part of this long-term strategy should include programs to train U.S. military personnel who will engage in regions affected by conflict or humanitarian crises about the crime of trafficking, those who are most vulnerable, and how traffickers operate.

This April Shared Hope International will be co-hosting the sixth event as follow up to the world summit that we co-sponsored with the U.S. Department of State in February of 2003. The event will convene 14 nations in Southeast and East Asia to address measures that tackle the demand for child sex tourism and sex trafficking. This event will be among one of the many activities in the region to continue raising the awareness about the conditions of sex trafficking in the region and move practical measures forward. We must continue focusing on programs that educate vulnerable populations as to the nature of trafficking and build economic and educational alternatives that will keep women and children from the false promises that lead to such severe exploitation.

The women and children that I've met through our Homes of Hope demonstrate to me the vitality of the human spirit. They are among the strongest people I have encountered. I know that their strength comes in part from the sustained support and development that is offered to them through a community of hope. Together, we can help build these communities offering victims of a serious crime a place to rebuild their lives. This is not an inevitable crime. And, the women and children can be survivors, even becoming the agents of change for others like them.

Thank you for the opportunity to provide remarks on this important piece of legislation.

March 8, 2005

Congressman Christopher Smith
Chairman, House International Relations
Subcommittee on Africa, Global Human Rights and International Operations
2373 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to express my strong support for The Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972). This significant legislation provides important new tools for combating international and domestic sex trafficking, assisting trafficking victims, ensuring that U.S. government personnel who exploit children overseas are punished, encouraging increased enforcement against unlawful commercial sexual activity and protecting women and children in post-conflict situations and humanitarian crises from traffickers.

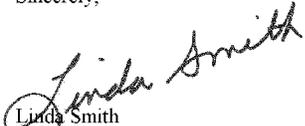
Shared Hope International exists to rescue and restore women and children in crisis. Working with local partners, we have helped establish Homes of Hope in seven countries that provide victims with food and shelter, access to medical care, vocational training, education and identification and outreach services.

I strongly support the provisions in H.R.972 that will enhance services for international and domestic trafficking victims. Creating a pilot project for programs will establish a basis for best-practices and development of services around the world. We have found that severely abused women and youth like those who have been trafficked and forced to participate in the commercial sex industry, need long-term care in "home" settings. They need a safe place to recover, learn job skills, and regain their dignity. I am pleased that this legislation recognizes the need for long-term care and hope that U.S. support for these programs will increase over time.

I also commend you for including provisions that will help protect women and children in post-conflict situations or humanitarian crises from traffickers. The Tsunami in Asia brought to light the risks for women and children that exist in many countries when disaster strikes. When children lose their parents or women lose their husbands, they are left without a source of livelihood and can fall prey to the many traffickers who are active in those countries. Trafficking is not a new phenomenon in most of the countries affected by the Tsunami, but it did create an expanded group of vulnerable victims. I commend you for recognizing this international problem and taking steps to prevent it.

I have seen first hand through the travel and implementation of our programs in 14 countries the difference the Trafficking Victims Protection Act is making on the willingness of governments to take real action to prevent this crime. H.R.972 builds on the solid foundation laid by the TVPA and is a crucial tool in our fight against trafficking around the world.

Sincerely,


Linda Smith
Founder and Executive Director
Shared Hope International

Mr. SMITH, Congresswoman, thank you so much for your leadership and for your compassion. I appreciate it.

Ambassador Barnes?

STATEMENT OF THE HONORABLE SHIRLEY E. BARNES, PRESIDENT, BARNES FINDLEY FOUNDATION (FORMER AMERICAN AMBASSADOR TO THE REPUBLIC OF MADAGASCAR)

Ms. BARNES. Thank you so much. Are you hearing me? How is that? Good.

Mr. Chairman, Members of the Subcommittee, it is both an honor and a privilege to have an opportunity to be here today, and to present the following testimony for this extremely important hearing on combating human trafficking, and to work toward zero tolerance. It is especially timely and fitting today that you are having this hearing because it is also International Women's Day, and thank you so much for this invitation.

I am especially pleased to be here to testify because through commendable work that you have done, other people are beginning to hear the story. However, much of the attention and awareness-building that has gone on has generally focused on trafficking of Eastern European women and Asian women. The issue of trafficking in African women and children has in general received less attention, and as a result less corresponding development of programs to combat the activity and to assist the victims.

Let me underline that I do not attach any orders of magnitude in terms of focusing attention on victims of trafficking. It is a heinous violation of human rights for any victim. Nonetheless this hearing provides a welcome chance to bring the issue of trafficking in African women and children to the attention of a wide audience. Through previous hearings such as yours, many of us have begun to grasp the import and devastating impact of human trafficking on our global society. It is a billion dollar illicit industry, third only to drug trafficking and small arms trafficking, and it is rapidly growing.

Unfortunately, hard data are difficult to obtain due to the clandestine nature of human trafficking, and total aggregate numbers of African women and children trafficked are not definitive. However, through observation and an array of studies in the last few years, a sharper image of trafficking in African women and children has developed. Reasons for trafficking in African women and children are manifold and vary from country to country. As Congressman Payne noted, one of the most basic and general reasons is poverty, and of course, economic hardship. In some instances, corrupt governments and government officials play a part in it in Africa. Other factors include social disruption, political instability, natural disasters, armed conflict, social customs and mores, familial pressures, and the global demand for cheap, vulnerable labor.

It should be noted that in many African countries decisive steps are being taken to address this terrible problem. The African Government, working with cooperating international organizations, NGOs, grassroots groups, are among those who have actively participated in anti-trafficking programs. Further on in this presentation I will refer to specific groups that may be of interest to you and with whom we are also working.

In an in-depth study done by UNICEF's Innocenti Research Centre in Rome, there is a study that is called "Trafficking in Human

Beings, Especially Women and Children, in Africa.” It was done in September 2003. And some of the outputs and conclusions were that trafficking in African women and children is a cheap, easy access to child labor, and exploitation of children and women for prostitution. Western Europe, the United States, Canada, and the Middle East, for example, Saudi Arabia, Lebanon, the UAE, Western Europe, and Bahrain are major destination points for most victims trafficked out of Africa. I want you to know that reliable figures, however, do not exist in terms of girls and women trafficked into the United States, but anecdotal information, including recent newspaper articles, point out a large clandestine operation of African girls imported to work as unpaid servants, and then on into prostitution.

Out of 53 African countries UNICEF surveyed, at least 49 percent responded that human trafficking existed in their respective countries, and the problem requires effective action, targeted programs and strategies, and intra-African cooperation. Trafficking in African children appears more widespread than trafficking in women. The number of African countries reporting trafficking in children is two times the number reporting trafficking in women. And just to give you an example of the globalization of trafficking of African women and children: The case of a young South African woman lured into prostitution and shipped as far away as Macau, according to a report of the International Organization on Migration.

Here is a brief regional overview of human trafficking in Africa: On the West Coast, for example, in the western region of Africa, the U.N. reports that at least 200,000 children are trafficked annually out of Western Central Africa. The U.S. Department of State estimates that as many as 400,000 children are involved in child labor across West Africa based on baseline estimates. They come from places like Benin, Burkino Faso, Cameroon, Cote d’Ivoire, Gabon, Mali, Nigeria, and Togo. These are some of the Western African countries that have high levels of trafficking of child laborers.

Congresswoman Diane Watson referred to the chocolate industry, and there is a very interesting study out of American University and it is called “Chocolate and Slavery,” and it is very interesting because when you are eating a Hershey bar, you do not think about the fact that very often this is something to do with child labor and trafficking in West Africa. And excuse me, I do not mean to say Hershey but a chocolate bar in general. Many of these children have never had identification papers such as birth certificates, thereby facilitating the traffickers’ operations.

In the case of Nigeria, a great number of young Nigerian women are sent to Italy via well-organized illegal operations, and this had prompted me, as much as 7 years ago, to start working on this. When I was at the Department of State, the Italian Deputy Chief of Mission came in and asked whether I, as Director of Western European Affairs, could help out. Italy was in my portfolio. He said that there was a proliferation of African women, mainly Nigerians, on the streets of Rome, and in the next several years the State Department looked into it. I have been looking into the trafficking in humans issue long afterwards. We see the well-conducted, orches-

trated import of Nigerian women into Italy. In fact, many of the trafficked women are from Edo and Delta States.

Several Nigerian organizations actively fight trafficking in women and children, including the Women Trafficking and Children Labor Education Foundation, WOTCLEF, which is headed by the wife of the Vice President of Nigeria. The wife of the Governor of Edo State has a similar organization called Ida Renaissance. The Women's Consortium of Nigeria, WOCON, whose Executive Director, Ms. Bisi Olatero-Olagbegi, has done outstanding work in rehabilitation of trafficking victims. So there is work going on but we need to be more involved in it too.

In Central and Southern Africa, for example, Botswana, the Democratic Republic of Congo, Lesotho, Mozambique, Malawi, South Africa, Swaziland, Tanzania, Zimbabwe and Zambia, they are considered source countries for trafficking activities. These are the people that they can get out of their countries as source people. And several of the same countries are transit countries, so that you have an arc. You have people that are coming in all over Africa, and then going out to other states, and there is a good, wonderful map that is done by Johns Hopkins Protection Project showing just the proliferation and trafficking right in Africa itself, and then going out all across the world.

Human trafficking into and out of South Africa provides a prime example of the extent of human trafficking operations. South Africa is a rich, dynamic, vanguard country in Africa. It naturally attracts a high influx of people from all over Africa, and indeed, the world. Unfortunately, many of criminal elements.

Women and children worldwide are trafficked into and out of Africa. Example: Girls from South Africa are trafficked to brothels in the Netherlands; girls from Thailand are trafficked into South Africa brothels; women from rural China are brought to South Africa for prostitution; women are flown to Johannesburg and then taken to Swaziland, Lesotho, or Mozambique, then cross the border by road back into South Africa to circumvent airport immigration controls, and there is the weak place, too, in the immigration process—trucks and private industry trucks transport these women back and forth, and then on into other countries. Eastern European women are controlled by the mafia—the Russian mafia—and they take similar routes. Much to the dismay of South African police authorities who must try to cope with the problem, a large coterie of organized crime groups operate in South Africa, some estimate up to 500 of these are Nigerian gangs. Also there are the Japanese Yakuza and Russian mafia. In Cape Town, the children's rights group, Molo Songololo works with homeless children who have been trafficked. It is estimated that at least 25 percent of the prostitutes in Cape Town are children.

The IOM reports that as many as 30,000 teenage Ethiopian girls arrive in Lebanon and are then trafficked worldwide. A lot of them are trafficked mainly into Middle Eastern countries. The main reason for trafficking are sexual exploitation and forced domestic labor. An encouraging step toward ameliorating this problem has been taken by the Ethiopian Government along with USAID. A center funded by USAID was recently opened in Addis Ababa to help rehabilitate trafficked victims. I like what Congresswoman

Smith has said in terms of the rehabilitation programs that are really necessary for these young women.

Though there is no direct link that has yet been established between HIV/AIDS and the trafficking in African women and children—and we know already the high proportion of people that have HIV/AIDS in Africa—we have no distinct figures, but know that there has to be a causal connection between HIV/AIDS and trafficking of African women and children. The fear of infection with HIV/AIDS among customers in the sex industry has driven traffickers to recruit younger and younger women and girls. This was pointed out, I think again by Congresswoman Watson. These customers erroneously perceive that the younger the girl it is more likely that the customer will not be infected when having sex.

As I stated earlier, African States have not been passive in addressing the issue of human trafficking. Several have initiated measures to curb trafficking: Mali and Cote d'Ivoire have set up a commission to study the trafficking issue; Nigeria's President signed a law in July 2003, prescribing stiff sentences to trafficking perpetrators, including life in prison. Benin enacted a law in 1995 to regulate the travel of children under 14 years old, and Benin and Togo have agreed to programs to rehabilitate trafficking victims. However, there is much more that must be done.

Here are some recommendations:

African countries, with cooperation and assistance from international organizations in the United States and other countries, should continue to develop and enforce more effective anti-trafficking and child labor laws. This includes reinforced programs with the African Union, NEPAD, and other African organizations.

Targeted, focused and increased support should be placed on working with African women's groups, and I really underline that, because the women are really serious; not that the men are not, but the women's groups that have worked on this and worked on other development projects, even with the smallest and barest amount of resource funds, seem to make much more progress.

Strong emphasis should be placed on supporting programs to return and rehabilitate trafficking victims, including educational training and job-development programs. Again, Congresswoman, you have talked about that.

Public and private organizations should develop programs to build awareness in the United States of the trafficking-in-women-and-children issues, especially African women and children. I say this in terms of many African-American church groups, et cetera, many women's groups, African-American women's groups, need to have stronger emphasis placed in their programs about the trafficking issue of African women and children.

Broader support of programs of registering birth certificates for African children should be set up, in connection with all of the African Embassies and groups that we have, to see how we can help in terms of registering births because, very often, when these children have no I.D., it facilitates the operations of the traffickers.

In the United States, there should be an establishment or some more institutions or a research center that focuses primarily on studying and developing reliable data on trafficking in African women and children. I say this because possibly my idea of what

we are doing with the Barnes Findley Foundation is to see whether we can get more, and Congress can help out too. Encourage and support Historically Black Colleges and Universities (HBCUs) to have an institute or to start some kind of established research center, especially with the HBCUs units involved and some corresponding schools of higher education in Africa. Then, we will have more reliable data, we can build more reliable data, and then, hence, do more effective programming, especially concerning African women and children.

Thank you so much, Mr. Chairman, and I again want to tell you how much I appreciate being able to contribute. I want to thank Congressman Payne also because I had a chance to bring up these issues at the Black Caucus panel that he chairs every year during the Black Caucus Week. Thank you so much.

[The prepared statement of Ms. Barnes follows:]

THE BARNES FINDLEY FOUNDATION
3001 Yeazey Terrace NW, Suite 1531
Washington DC 20008
Telephone & Fax: (202) 243-3056
Email: theta320@msn.com

**Testimony before the
Committee on International Relations
Subcommittee on Africa, Global Human Rights and International Operations
March 9, 2005
"Combating Human Trafficking: Achieving Zero Tolerance"**

by

**Shirley E. Barnes
U.S. Ambassador (Ret.)**

President, The Barnes Findley Foundation

-2-

Mr. Chairman, members of the Subcommittee, it is both an honor and a privilege to have an opportunity to be here today, and to present the following testimony for this extremely important hearing on combating human trafficking, and to work towards zero tolerance.

I am especially pleased to be here to testify because through commendable work such as yours and many other interested, dedicated people, the issue of human trafficking has garnered increasing and welcomed attention. Much of that attention and awareness-building has generally focused on trafficking of eastern European women and Asian women and girls. The issue of Trafficking in African Women and Children, has in general, received less attention and as a result less corresponding development of programs to combat the activity and assist the victims. Let me underline that I do not attach any "orders of magnitude" in terms of focusing attention on victims of trafficking. It is a heinous violation of human rights for any victim. Nonetheless, this hearing provides a welcome chance to bring the issue of Trafficking in African Women and Children to the attention of a wide audience.

Through previous hearings such as yours, many of us have begun to grasp the import and devastating impact of human trafficking on our global society. It is a billion dollar illicit industry--third only to drug trafficking and small arms trafficking. And it is rapidly growing. Unfortunately, hard data are difficult to obtain due to the clandestine nature of human trafficking, and total, aggregate numbers of African women and children trafficked are not definitive. However, through observation, and an array of studies in the last few years, a sharper image of Trafficking in African Women and Children has developed.

Reasons for Trafficking in African Women and Children are manifold, and vary from country to country. The most basic and general reasons are poverty and economic hardship. In some instances, corrupt governments and government officials play a part. Other factors include social disruption, political instability, natural disasters, armed conflict, social customs and mores, familial pressures, and the global demand for cheap, vulnerable labor. It should be noted that in many African countries, decisive steps are being taken to address this terrible problem. African governments working with cooperating international organizations, NGOs, grass-roots volunteer groups are among those who actively participate in anti-trafficking programs. Further on in this presentation, I refer to specific groups that may be of interest to you.

In an in-depth study done by UNICEF's Innocenti Research Centre entitled, "*Trafficking in Human Beings, Especially Women and Children, in Africa*", September 2003, some of the out-puts and conclusions were that Trafficking in African women and children is a cheap, easy access to child labor and exploitation of children and women for prostitution; Western Europe, the US, Canada, and the Middle East (ex. Saudi Arabia, Lebanon, UAE, Bahrain) are major destination points for most victims trafficked out of Africa. NOTE: There are no reliable figures on how many African girls and women are trafficked into

-3-

the US, but anecdotal information, including recent newspaper articles, points to a large, clandestine operation of African girls imported to work as unpaid servants. They are often forced into prostitution. END NOTE. Out of 53 African countries UNICEF surveyed, at least 49% responded that human trafficking existed in their respective countries, and the problem requires effective action, targeted programs and strategies, and intra-African cooperation. Trafficking in African children appears more widespread than trafficking in women. The number of African countries reporting trafficking in children is two times the number reporting trafficking in women. And just to give you an example of the "globalization" of trafficking of African women and children: Young South African women are lured into prostitution and shipped as far away as Macau, according to a report from the International Organization on Migration (IOM).

Here's a brief regional overview of Human Trafficking in Africa: The UN reports that at least 200,000 children are trafficked annually out of West and Central Africa; the U.S. Department of State estimates that as many as 400,000 children are involved in child labor across West Africa based on baseline estimates (Mark Taylor, US State Dept./NCM Report). Benin, Burkino Faso, Cameroon, Cote d'Ivoire, Gabon, Mali, Nigeria, Togo are West African countries with high levels of trafficking of child laborers. Many of these children have never had identification papers such as birth certificates, thereby facilitating the traffickers operations. In the case of Nigeria, a great number of young Nigerian women are sent to Italy via very well-organized illegal operations. Many of the trafficked women are from the Edo and Delta states. Several Nigerian organizations actively fight trafficking in women and children, including the Women Trafficking and Children Labor Education Foundation (WOTCLEF), headed by the wife of the Vice President of Nigeria. The wife of the Governor of Edo State heads a similar organization—Ida Renaissance. The Women's Consortium of Nigeria (WOCN), whose Executive Director is Mrs. Bisi Olateru-Olagbegi has done outstanding work in the rehabilitation of trafficking victims.

In Central and Southern Africa, Botswana, the Democratic Republic of the Congo, Lesotho, Mozambique, Malawi, South Africa, Swaziland, Tanzania, Zimbabwe, and Zambia are considered "Source" countries for trafficking activities. Several among them are also considered high "Transit" countries for trafficking.

Human Trafficking into and out of South Africa provides a prime example of the extent of human trafficking operations. South Africa is a rich, dynamic, vanguard country in Africa. It naturally attracts a high influx of people from all over Africa, and indeed, the world. Unfortunately, many are criminal elements. Women and children worldwide are trafficked into and out of South Africa. Example: Girls from South Africa are trafficked to brothels in the Netherlands; girls from Thailand are trafficked to South African brothels; women from rural China are brought to South Africa for prostitution; women are flown to Johannesburg and then taken to Swaziland, Lesotho, or Mozambique, then cross the border by road back into South Africa to circumvent airport immigration controls. Eastern European women, controlled by the Russian mafia, take a similar route (Source: iafrica.com). Much to the dismay of South African police authorities who must

-4-

try to cope with the problem, a large coterie of organized crime groups operate in South Africa, including Nigerian gangs, Japanese Yakuza, Russian mafia. In Cape Town, the children's rights group, Molo Songololo works with homeless children. It is estimated that at least 25% of the prostitutes in Cape Town are children.

IOM reports that as many as 30,000 teen-age Ethiopian girls arrive in Lebanon and are then trafficked worldwide. The main reasons for trafficking are for sexual exploitation and forced domestic labor. An encouraging step towards ameliorating this problem has been taken by the Ethiopian Government along with USAID: a center funded by USAID was recently opened in Addis Ababa to help rehabilitate trafficked victims.

Though no direct link between HIV/AIDS and Trafficking in African Women and Children has yet been established, it is believed that each contributes to the other. The fear of infection with HIV/AIDS among customers in the sex industry, has driven traffickers to recruit younger and younger women and girls, erroneously perceived by customers to be too young to be infected.

As I stated earlier, African states have not been passive in addressing the issue of human trafficking. Several have initiated measures to curb trafficking: Mali and Cote d'Ivoire set up a commission to study child trafficking; Nigeria's President, Olusgun Obasanjo signed a law in July, 2003, prescribing stiff sentences to trafficking perpetrators, including life in prison. Benin enacted a law in 1995 to regulate the travel of children under 14 years old; and Benin and Togo have agreed to programs to rehabilitate trafficking victims. However, there is much more that must be done. Here are some recommendations:

African countries, with cooperation and assistance from international organizations, the US and other countries, should continue to develop and enforce more effective anti-trafficking and child labor laws. This includes reinforced programs with the African Union, NEPAD and other African organizations. Targeted focus and increased support should be placed on working with African women's groups;

Strong emphasis should be placed on supporting programs to return and rehabilitate trafficking victims, including educational, training and job development programs;

Public and private organizations should develop programs to build awareness in the US of Trafficking in African Women and Children;

In the US, establish an institute and/or research center focused primarily on studying and developing reliable data on Trafficking in African Women and Children (possibly at one of the Historically Black Colleges and Universities with a corresponding school of higher education in Africa).

Mr. Chairman, again I thank you for this opportunity to contribute these remarks.

Mr. SMITH. Ambassador Barnes, thank you so much for your testimony and your very significant recommendations. I think you made a number of proposals that we need to follow up on, so I appreciate that very much.

Dr. Mendelson?

STATEMENT OF SARAH E. MENDELSON, PH.D., SENIOR FELLOW, RUSSIA AND EURASIA PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Ms. MENDELSON. Chairman Smith, Members of the Committee, thank you for inviting me to participate in this hearing. It is a real honor to be here.

My comments address the trafficking of women and girls for forced prostitution and links to peacekeeping operations. As noted, in 2004, the DoD, NATO, and the U.N. each took potentially dramatic steps to address this issue by adopting zero tolerance policies. Today, I am going to talk about what I see as potential obstacles to the full implementation of these policies.

At this time, I would like to submit my prepared statement for the record and, for the remainder of the time, summarize the main points.

Mr. SMITH. Without objection, your full statement will be made a part of the record.

Ms. MENDELSON. Thank you.

First, let me say how pleased I am that the bill specifically addresses the role of peacekeeping. More than that, the bill proposes remedies to a multitude of problems that have long been documented by activists, journalists, and researchers. In my work, I often have heard concerned individuals remark that they have tried to raise awareness—they have written articles, and they have written reports—about the link between trafficking in women and girls and peacekeepers. But they felt frustrated and saddened by how little impact reports, even those that are laden with evidence, have had on policy and behavior.

With the provisions in this bill concerning peacekeeping, you can help us all have much more effect. I want to thank you for your good work and for that of your staff in preparing it. The majority of uniformed service people, both U.S. and international, as well as civilian contractors, who support peacekeeping operations, do so honorably. It is their voices and the voices of the victims that this bill amplifies.

As I noted, numerous organizations have reported that following the deployment of international peacekeeping contingents, one finds a dramatic rise in the number of trafficked women and girls. This phenomenon has been documented in many post-conflict regions around the world. My research explores how peacekeepers and policymakers understand this phenomenon so that policies might be fully implemented. In a report recently published by CSIS entitled “Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans,” I document the prevalence of attitudes, including indifference, denial, misperception, and even acceptance of trafficking, that I believe seriously challenge comprehensive implementation of antitrafficking policies.

To change the hearts and minds of uniformed personnel and civilian contractors on this issue will require a different style and depth of implementation than is underway. To create a taboo against human trafficking, whether for forced prostitution or other forms, such as forced labor, will require significantly more resources than a few training modules. These organizations are capable of change and of implementing these new policies in a robust manner if they are given adequate resources and if they have committed leadership. My confidence is especially high concerning the DoD and NATO. Currently, however, attitudes and organizational cultures are themselves obstacles. The misperceptions of and reluctance to deal with human trafficking are intense enough that some argue the link between peacekeeping and trafficking is simply a fact of life about which nothing can be done. Others argue that peacekeepers purchasing sex is in the interest of the mission and a soldier's right.

Let me explain briefly what is at stake in getting full implementation of these policies. Peacekeeping missions have been gravely undermined by the human rights abuses committed by peacekeepers. These abuses prolonged deployments because they have helped institutionalize organized crime, and they undermined the rule of law. Yet senior personnel show little recognition that human rights abuses and organized crime are among the fundamental security threats to peacekeeping missions. In other words, combating human trafficking in peacekeeping missions and making sure peacekeepers are not involved in criminal activity is not mission creep but part of the core mission of establishing the rule of law.

Let me be specific. In terms of DoD, few, if any, resources have been specifically allocated from, as you note, a budget of over \$400 billion to the implementation of this policy. Without resources and the involvement by senior military leadership, efforts to create a taboo around trafficking are likely to fail. Training alone, the main effort we have seen today, will not suffice.

At NATO, a handful of Nordic countries, along with the United States, have led the charge. Other than the United States, no major troop-contributing country has actively supported the policy. I have just returned from a meeting hosted by a non-NATO member country, Finland, concerning implementation of NATO's anti-trafficking policy. I find some at NATO who believe the policy binds countries, but there are many others who perceive the obligation as weak and unenforceable. I find an ad hoc quality to how the policy is being implemented, and that worries me a great deal. It is not surprising since the NATO policy, like that of the U.N., shifts responsibility for implementation to individual nations. Both policies do so with little guarantee of transparency. So those nations that care might do something, those that do not, will not.

One example I found interesting: The subject-area experts of trafficking that help the NATO defense colleges create training modules, our colleagues from various NGOs, were either paid for by private foundations, by the Norwegian or the United States missions to NATO, or they were not compensated at all.

Last week, in Finland, military officers talked to me about the unfinished business of implementation. Specifically, I heard about

the need to mobilize commanders, institutionalize transparent evaluation and reporting mechanisms, as well as investigative and disciplinary measures. The United States should lead on this issue and by example. Additionally, we need a transparent and thorough assessment of efforts by the U.N., by NATO, and by the DoD conducted not by these organizations but by outside experts.

Recalcitrant nations, including, alas, on occasion, the United States, have failed to prosecute and discipline their own nationals for involvement in trafficking. Recalcitrant organizations, such as the U.N. and, on occasion, NATO, have failed to provide transparent reporting on trafficking in persons and peacekeeper involvement. In the coming years, experts will assess implementation by whether these organizations assign senior leadership to combat trafficking, deploy resources, hire or develop in-house expertise, consult with outside experts, develop substantive training materials, address trafficking with transparency, conduct thorough investigations, and prosecute those implicated.

So rather than spreading assets throughout the building among already overburdened staff at DoD, and rather than tasking personnel who are, frankly, not especially interested in combating trafficking, efforts should be centralized in an office directed by an Assistant Secretary of Defense. This office would lead on combating human trafficking as related to military and peacekeeping deployments. And the reality is that there is just so much more to do beyond training and education, and I would be happy to talk about that in question-and-answer.

The policies adopted in 2004 were important first steps. I am inspired by the leadership and the courage of those who fought hard to get these policies adopted and to begin implementation, and I believe DoD can lead globally on addressing these important human rights and security issues, and the impact will be felt within NATO and the U.N., as well as inside ministries of defense around the world. This bill is critical to making this happen. Thank you very much.

[The prepared statement of Ms. Mendelson follows:]

PREPARED STATEMENT OF SARAH E. MENDELSON, PH.D., SENIOR FELLOW, RUSSIA AND EURASIA PROGRAM, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Chairman Smith and Members of the Committee:

Thank you for inviting me to participate in this hearing on efforts to combat human trafficking. My name is Sarah Mendelson, and I am senior fellow at the Center for Strategic and International Studies. It is an honor to be here.

My comments address the trafficking of women and girls for forced prostitution and links to peacekeeping operations. In 2004, the U.S. Department of Defense (DOD), the North Atlantic Treaty Organization (NATO), and the United Nations (UN) each took potentially dramatic steps to address the role of peacekeeping operations in human trafficking by adopting zero-tolerance policies. I focus today on what I see as potential obstacles to the full implementation of these policies. I do this by drawing on a number of findings and recommendations, some of which I am pleased to see included in the current draft of the Trafficking Victims Protection Reauthorization bill, and that follow from my research and that of others.

I. Human Trafficking and Peacekeeping Operations

The majority of uniformed service people—both US and international—as well as civilian contractors who support peacekeeping operations do so honorably. They risk their lives to help repair the damage and destruction of war. Peacekeepers who serve with honor are being tainted by the minority who commit human rights violations and support criminal networks. Specifically, human rights and international organizations have documented a disturbing correlation: where one finds inter-

national peacekeeping deployments, one also sees a dramatic rise in the number of trafficked women and girls that follow these deployments. In the Balkans, peacekeeping operations have had the unintended consequence of providing the demand for trafficked females from Eastern Europe and Eurasia for forced prostitution. This phenomenon has been documented in other post-conflict regions. The studies that have been among the most important on this issue include numerous reports by Human Rights Watch, Amnesty International, the International Organization for Migration as well as the United Nations and the Organization for Security and Cooperation in Europe. In short, this link is well documented.

The contribution of my research has been to explore how peacekeepers and policy-makers understand the link so that these zero-tolerance policies might be fully implemented. In a recently published report entitled *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*, I document the prevalence of attitudes—including indifference, denial, misperception and even acceptance—that pose serious challenges to the comprehensive implementation of the anti-trafficking policies. To change the hearts and minds of uniformed personnel and civilian contractors on this issue will require a different style and depth of implementation than is underway. To create a taboo against human trafficking—whether for forced prostitution or other forms such as forced labor—will require significantly more resources than a few training modules and more senior leadership than these organizations have allocated.

Organizational attributes and attitudes shared to varying degrees by DOD, NATO and the UN have determined a weak response to human trafficking in the past. Each of these organizations has been reluctant to address:

- The security implications of misconduct by uniformed service members and civilian contractors, especially involving human rights abuses; and
- The role of organized crime in shaping the security environment of post-conflict regions.

I have confidence these organizations are capable of change and of implementing these new policies in a robust manner if they are given adequate resources and if they have committed leadership. My confidence is especially high concerning the DOD and NATO. Currently, however, attitudes and organizational cultures appear themselves to be obstacles and to drive the current low level of resources.

Central to adequate responses will likely be the recognition by senior personnel inside these organizations that human rights abuse and organized crime are among *the* fundamental security threats to peacekeeping missions. In other words, addressing human trafficking in peacekeeping missions and making sure that peacekeepers are not involved in criminal activity is not “mission creep” but part of the core mission of establishing the rule of law.

If those overseeing peace support operations grasped the security implications of peacekeeper involvement in human rights abuse and how this affects perceptions of the local community toward a mission, the resources for implementing anti-trafficking policies would be more forthcoming. If leadership inside these organizations addressed organized crime in post-conflict regions in a comprehensive, robust manner, it would be impossible to ignore human trafficking. Part of what we encounter when we assess slow or minimal implementation of these policies is not only attitudes toward women and girls that enable exploitation but also resistance to tackling the security challenges of human rights abuse and organized crime.

Let me speak for a moment about differences and similarities across these diverse organizations. I recognize these organizations have different cultures, and their history with trafficking has taken different forms. The policies are varied in terms of implementation, but all share a rhetorical commitment to ending the abuse by and corruption of those sent by the international community to help restore a safe and secure environment in post-conflict regions. Most strikingly, the policies all share a stark lack of resources.

Let me note also an important difference between those who work inside these organizations and those on the outside. Some inside these organizations perceive current efforts as adequate. To outside experts who are fully familiar with the links between trafficking and peacekeeping operations, and with whom I have had the pleasure of working, the efforts seem inadequate.

II. Looking for Leadership and Resources

Drawing on numerous interviews with officers, observations of the DOD Inspector General assessment of complicity in human trafficking, and access to internal memos from NATO and the UN, my report *Barracks and Brothels* documents the numerous attitudes that appear to impede the implementation of anti-trafficking policies adopted in 2004. The prevalence of such attitudes—including denial, invis-

bility, mistaking human trafficking for legalized prostitution, and, as a result, inaction by authorities—shapes organizational cultures and current responses.

Although Pentagon officials claim to have responded to a congressional request to address human trafficking in a thorough manner, few, if any, resources have been specifically allocated from its budget of over \$400 billion. Current efforts by DOD to implement the anti-trafficking policy are in danger of being ineffective in addressing the plethora of impediments identified in my report. Without the allocation of resources and commitment by senior military leadership, efforts to create a taboo around trafficking are likely to fail. Training alone—the main effort we have seen to date—will not suffice.

At NATO, a handful of Nordic countries along with the US mission have led the charge. To date, other than the United States, no major troop contributing country at NATO has actively supported the policy. The NATO staff has been particularly open to working with outside experts, but they have been given few resources to support this work and are extremely overburdened. This perception is derived from research but also from a meeting I attended last week hosted by a non-NATO member country—Finland—on the issue of NATO's anti-trafficking policy.

At the meeting, there were some diplomats who argued that the NATO policy binds countries, including our own, and obliges them to make the policy real. My sense is that some at NATO share the conviction that this is a strong obligation while others perceive it as quite weak and unenforceable. Perhaps symptomatic of this unclear obligation and lack of resources, I noted that the subject-area experts on trafficking that worked alongside military representatives in creating the trafficking training modules for NATO defense colleges were either paid for by foundations, by the Norwegian and US missions to NATO or they were not compensated at all. In other words, efforts to date have been ad hoc.

The NATO policy, like that of the UN, is such that it shifts responsibility for implementation to individual nations. Both policies do so with little guarantee of transparency. Again, we are not seeing a lot of leadership on this issue beyond Nordic countries and the United States. Even within the United States government, the response has been uneven; my interviews and conversations suggest that we have some who are leading, but we have many—including inside the military—who are unconvinced of the importance of this issue.

To make implementation meaningful at NATO, we need political and military leadership inside member states. Individual nations need to commit resources and senior military officials need to become knowledgeable about and more actively engaged in combating trafficking. This applies most definitely to the United States, especially given the size of its defense budget compared to all other NATO countries combined. Military officers and those working with NATO from the military side at the meeting in Finland acknowledged the unfinished business specifically in terms of mobilizing commanders, institutionalizing transparent evaluation and reporting mechanisms as well as investigative and disciplinary measures. Given the political capital that the United States has devoted to this issue, the United States should lead by example. To date, we see little transparency.

The United Nations has an especially troubling track record of peacekeeper involvement in trafficking as well as other forms of sexual exploitation in conflict and post-conflict regions. To date, decision makers at the UN seem to fear that creating a taboo against trafficking for peacekeepers would negatively affect the UN's ability to attract peacekeepers. The stature of those policymakers advocating attention to both gender and human rights agendas within the UN system has made it impossible to ignore trafficking. Their influence has been insufficient, however, to produce a comprehensive anti-trafficking effort among the multiple UN agencies responsible for peacekeeping around the world. A constant refrain has been that the UN—like NATO—lacks jurisdiction to discipline and prosecute those violating the zero-tolerance policy.

Given this institutional reluctance, the secretary-general and the under-secretary of peacekeeping will need to lead on this issue, and individual nations must also address the issue. While I welcome the comments as reported in the press by the under-secretary of peacekeeping that there will be an assessment of the missions in the coming weeks, I believe we need a transparent assessment of efforts by the UN (as well as by NATO and the DOD) to be conducted by outside groups adequately funded and by recognized experts. Recalcitrant nations, including the United States, have failed to prosecute and discipline their own nationals for involvement in trafficking. Recalcitrant organizations, such as the UN, have failed to provide transparent reporting on trafficking in persons and peacekeeper involvement.

Let me explain briefly what is at stake. First, peacekeeping missions have been gravely undermined by the human rights abuses committed by peacekeepers. These

abuses prolonged deployments because they have helped institutionalize organized crime and undermined the rule of law.

Second, and more generally, organizations—including various ministries of defense—have helped create a culture of acceptance. The challenge now is to change that culture. The absence of awareness concerning the links between human trafficking and peacekeeping operations is pervasive. These organizations need not only to address the behavior of those peacekeepers actively engaged in or facilitating trafficking but the larger community of people who know nothing about this issue, who turn a blind eye, or misperceive what is going on.

While experts have extensively documented that trafficking follows deployments, most officials I meet deny or downplay the issue and not surprisingly, its relevance. That commands in Bosnia and Kosovo have tasked intelligence analysts to track trafficking in guns and drugs but not humans suggests the command climate has not been conducive to combating trafficking. There have been real consequences to inaction: not only have crimes against thousands of women and girls gone unpunished, criminal networks have acquired revenue and possibly weapons, and the missions of establishing safe and secure regional environments have been undermined.

Certainly I have spoken with many officers and policy advisors who fully recognize the threats of trafficking and who look forward to comprehensive implementation of the policy. However, the misperceptions of and reluctance to deal with human trafficking are intense enough that some argue the link between peacekeeping operations and human trafficking is simply a fact of life, about which nothing can be done. Others argue that peacekeepers purchasing sex is in the interest of the mission and a soldier's right. One US Army colonel billeted to NATO in Kosovo in 2000 described to me how soldiers and commanding officers would likely perceive such a situation:

It is irrelevant that these women are prisoners because [the soldiers] are thinking 'holy mackerel, here is a great opportunity.' . . . The commanding officer may be thinking: . . . 'this guy [his soldier] is happy and he is happier if he had a half hour with a beautiful 17 year old—whether he knows she is forced or not—he is happier—he will do his mission better'. . . the commander can be a great guy but maybe he will turn a blind eye—and think that boys will be boys.

These organizations faces an enormous challenge in tackling such attitudes and changing how officers and those they command understand and respond to trafficking victims.

III. Beyond Training Modules

The creation of a taboo against human trafficking will require nothing less than a shift in the current organizational cultures of the DOD, NATO and the UN. The goal for these organizations should be to develop a robust norm about what it means to be a professional, well-trained and effective peacekeeper. Such a norm would dictate that all contingents and civilian contractors know:

- How human trafficking relates to security, organized crime, and human rights;
- How to recognize human trafficking;
- How to report involvement in trafficking by service members or by contractors up the chain of command; and
- Which local organizations to contact if they see it.

They would also need to understand that:

- Purchasing sex is illegal in most post-conflict regions;
- Purchasing illegal sex creates conditions permissive to trafficking;
- Patronizing establishments with trafficked people breeds corruption as well as undermines the mission;
- Purchasing a human being as chattel is illegal;
- Trafficking is a grave human rights abuse and a serious crime; and
- National authorities will criminally prosecute and discipline troops and contractors engaging in trafficking.

Ultimately, prosecution of traffickers, as well as those who facilitate trafficking, may be the greatest deterrent. Organizations must be willing to penalize, whether at home or in the theatre of operation, any peacekeepers who are implicated. The culture of impunity must end or peacekeepers will continue to be engaged in crimi-

nal activity while on mission, and these organizations—the U.S. military, NATO and the UN—will be undermined and damaged.

Senior policymakers within the DOD, NATO, and the UN need to recognize that rhetoric must be accompanied by a concerted, widespread effort to change the knowledge, attitudes and behavior of all who serve, from U.S. uniformed service members to civilian contractors, from military officers in NATO member states to UN police officers. To have decisive impact, policymakers have to commit resources including staff to this effort. They must focus on accountability and, where merited, prosecute personnel. In the coming years, experts will judge organizations by whether they:

- Assign senior leadership to combat trafficking;
- Deploy the needed resources;
- Hire or develop in-house expertise;
- Consult routinely and effectively with outside experts;
- Develop substantive training materials;
- Address trafficking with transparency;
- Conduct thorough investigations of criminal behavior and prosecute those implicated.

In my remaining time, I want to focus on the recommendations in the report concerning the DOD because of its potential to lead globally on this issue. Given the extensive misperception and lack of awareness, the initial DOD effort, as it has been explained to me in numerous meetings and conversations, appears to be a minimal response, somewhat akin to trying to combat the spread of HIV through training on the internet.

Change in the uniformed service members' and contractors' behavior will require new social and cultural norms. To this end, DOD leadership should resist thinking that one or two fixes alone (e.g. long-distance training modules) will have the decisive impact in addressing the trafficking-peacekeeping link. Instead, the comprehensive implementation of the DOD policy will require ownership, leadership and organization.

Inside the DOD, rather than spreading assets throughout the building among already overburdened staff, and rather than tasking personnel who are not especially interested in combating trafficking, efforts should be centralized in an office, directed by an Assistant Secretary of Defense. This office would lead on combating human trafficking as related to military and peacekeeping deployments.

At a minimum, the tasks of such an office would be to oversee education and training, including the research and design of awareness campaigns specifically for U.S. personnel deployed overseas (drawing on focus groups and random sample surveys); develop training for all military and contract personnel; oversee training of CID and IG inspectors in how to investigate systematically and thoroughly all cases involving U.S. personnel (uniformed service members and civilian contractors). In post-conflict reconstruction and in peace support operations, this office would liaise with military planners. The office would work also with the General Counsel's office to make sure all legal instruments accessible to the DOD reflect anti-trafficking policies, including the Uniform Code of Military Justice and defense contracts. While DOD has proposed some revisions to the UCMJ, the language needs to clearly address the crime of trafficking in humans.

This office would also work with defense contractors and senior management to ensure that they are well educated on the dangers of human trafficking. Finally it would liaise with UN, NATO, and the relevant regional organizations such as the Organization for Security and Cooperation in Europe and serve as a central point for military-to-military contact programs on this issue.

The education and awareness of commanders, Special Operations Forces, intelligence officers, CID, and inspectors should be given high priority. Training should draw on case studies—not hypothetical situations but the types of cases detailed in my report and others from relevant theatres of operation. Missions will need to develop a regional portrait of trafficking routes, revenue streams, and the modality of trafficking to understand the specific dangers in their neighborhoods. The political economy of trafficking needs to be spelled out so the participants understand the revenue streams. Training should be done soldier-to-soldier, with participation and consultation from nongovernmental anti-trafficking experts.

To counter the invisibility of trafficking, commanders should make human trafficking a "priority intelligence requirement" in regions where they already follow narcotics and arms trafficking.

The misperceptions documented in the CSIS report suggest that the DOD needs a concerted awareness campaign to combat trafficking. Toward this end, the DOD should fund large, random sample surveys across the services on attitudes toward trafficking and use these data to develop messages that are most likely to resonate with the target audience. The DOD should support tracking surveys after the campaign has been underway to test its effectiveness. These surveys would address knowledge, attitudes, and behavior.

U.S. government agencies need to work with contractors to end the crisis hiring that increases the chances of having poorly trained staff, with incomplete background checks, deployed overseas. Instead, government agencies should maintain standing rosters of qualified specialists for overseas work. When contractors deploy to areas known to be replete with victims of human trafficking, such as the Balkans, trafficking in persons should be a regular part of pre-theatre and in-theatre training. Managers and supervisors must be made aware that ad hoc arrangements with local law enforcement officials to pick up and release U.S. personnel found during brothel raids undermine both the rule of law and the mission itself; they are a form of corruption. Additionally, it is important that U.S. criminal jurisdiction be extended to all federal contractors serving abroad, and not just those under contract to the DOD.

Uniformed service members and contractors implicated in facilitating or engaging in trafficking should be investigated and criminally prosecuted. Those picked up in police raids should be made available to testify as witnesses in cases against traffickers.

The management and supervision of civilian contractors pose special problems and require particular attention. Institutions as varied as HRW and the DOD/IG have found U.S. contractors implicated in human trafficking. In Bosnia and Kosovo, contractors and uniformed service members had separate lines of command that did not overlap. Moreover, companies need to end rapid repatriation of contractors accused of involvement in trafficking and other criminal activity. The DOD should develop monitoring mechanisms that require companies to report to the DOD those employees alleged to have committed crimes in the field. Certainly commanders on the ground must be made aware rather than having these people whisked away in the middle of the night as is so often the case. Currently, contractors who have been rapidly repatriated can find employment again in post-conflict regions without penalty or prosecution. The DOD rather should penalize individuals who impede the implementation of DOD's anti-trafficking policy. As is, companies unwittingly facilitate the lack of prosecutions.

Defense contractors should also take an active role in making sure their staff is educated on human trafficking, including input from NGO experts. Organizations such as the "Defense Industry Initiative on Business Ethics and Conduct" could arrange meetings with experts and DOD contractors to explain the problem and encourage compliance. Special attention should be devoted to helping defense contractors understand the implications of the DOD policy, the NATO policy, and the language of the Trafficking Victims Protection Reauthorization Act, which requires that certain U.S. government contracts can be terminated if contractors are found either to engage in human trafficking or to procure a commercial sex act while the contract is in force. The U.S. government should encourage and reward companies for transparency and independent monitoring.

With the issuance of its policies in 2004, the DOD, NATO and the UN have each taken an important first step in addressing the problem of combating human trafficking. My comments in no way detract from the leadership and courage of those who have fought hard inside these organizations to get these policies adopted and to begin implementation. My observations are meant to bolster their efforts but also to highlight how difficult it has been to get even the minimal response we have seen to date. A comprehensive response will require more than has been done so far in implementation. My hope is that the DOD can lead globally on addressing this important human rights and security issue and that the impact will be felt within NATO and the UN as well as inside ministries of defense around the world.

Thank you.

Mr. SMITH. Dr. Mendelson, thank you very much for your testimony, and I will just state for the record, your book or study, "Barracks and Brothels"—I just returned from the winter meeting of the OSCE in Vienna and used this and read from it during the course of our debates over there, so it is a very, very fine piece of work, and thank you for your leadership.

Dr. Duncan?

STATEMENT OF JULIANNE DUNCAN, PH.D., ASSISTANT DIRECTOR, MIGRATION AND REFUGEE SERVICES, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

Ms. DUNCAN. Good afternoon, Mr. Chairman, Members of the Committee. I am Dr. Julianne Duncan from the United States Conference of Catholic Bishops. I am working in refugee programs where we have services for migrating children and trafficking victims. I am very pleased to be here today before the Subcommittee.

Our purpose here is to support your bill, which will be a subject of markup tomorrow. The bishops do appreciate your leadership over many years in bringing this terrible situation to the attention of the United States Government and to lead the Government into a humane response on this issue. I have prepared written testimony which will be submitted, but as for my oral remarks, I would like to discuss specifically services and interests of child-trafficking victims and particularly addressing issues related to the services that the United States provides internally for trafficking victims.

The Catholic bishops all over the world are active in efforts to carry out the teachings of the church. His Holiness Pope John Paul, II, has called on all Catholics and all people of goodwill to eliminate the scourge of human trafficking and to do whatever is possible to alleviate the suffering of the victims. In the United States, migration and refugee services within the Bishops Conference has taken the lead to convene the Catholic Coalition Against Human Trafficking, which is made up of religious orders, Catholic colleges and universities, Catholic legal services, social service agencies, and many others, who are cooperating in many ways to try to address the issue of human trafficking. Specifically, we have worked to provide multiple services to trafficking victims in the United States.

One of the issues that we are aware of and that causes us concern in the United States is that while the estimate of probable numbers of trafficking victims who are entering the United States are in the neighborhood of about 17,000 victims entering per year, the United States has actually certified for formal care, fewer than 700 victims, I think, really fewer than 600, although the number is a changing number. Our agency has been involved with a considerable number of those who have received formal, certified care. We have two particular programs that might be of interest to the Committee. We have programs which will serve adult or family trafficking victims in the United States. In that program, we have been able to formally serve 135 victims. Some of those victims are children who are with their parents and were trafficked together. In addition, we have provided all of the services to unaccompanied child-trafficking victims in the United States; that is, for 36 children. There are 36 unaccompanied trafficking victims in care, but some of those have small children or babies, so we actually have 40 children in care as unaccompanied children.

We have learned much about the system of trafficking and what happens to families, adults, and children in the United States. One thing I would like to discuss with you today, though, is the people we have not been able to serve, because I believe that it will shed some light on what is the difference. We believe that 17,000 people

are trafficked. We have been able to formally serve, as a country, fewer than 600.

In terms of numbers just in the past year, in our adult and family program, we have consulted on, been aware of, and are active in services for up to 200 individuals who were never able to enter formal care and, therefore, have not been able to enter the statistics that the Government is producing. In addition, related to unaccompanied children, we have consulted or assisted on 45 cases, with up to 140 children, none of whom have been able to enter formal care or formal services within the United States.

There are a variety of reasons that these individuals or families have not been able to enter care, but we believe that some of the barriers that prevent people from being served could, and should, be remedied, and we believe that some of the provisions of your current bill will assist in this way.

Our written testimony will discuss more recommendations, but I would like to focus on four today:

First, there must be many more avenues of referral to Health and Human Services, especially in the case of child- trafficking victims. Referrals must not only come from law enforcement.

Immediate, safe care must be available for all victims and, again, especially for children. Children and other victims require stability while the details of their situation are being sorted out.

Third, we need immediate, or very rapid, determination of eligibility by Health and Human Services based on referrals from social service providers, child welfare agencies, attorneys, medical providers, or others. Especially since children are not required to testify, there should not need to be a law enforcement referral or verification that many, many times prevents children and adults from receiving care.

Fourth, we believe that there must be a continuum of care, from identification through self-sufficiency. Immediately upon identification, care must be provided, but we must not drop care and stop assisting victims 30 days or 60 days after their identification.

We believe that some of the provisions in your proposed bill will assist with some of the problems that we have just identified. In cases where Health and Human Services cannot immediately or rapidly determine a child to be eligible for services, we believe that the guardian ad litem provision will assist HHS by creating a mechanism that they can use to investigate the situation, to identify whether a child is a trafficking victim, and to provide safe care for the child while those questions are being resolved. The guardian ad litem service would terminate immediately upon placement of a child into appropriate care.

We also believe that the requirement that the victims be informed of their rights to services would assist with victim identification as well as in the efforts of both Department of Justice and Department of Health and Human Services to provide immediate care for victims. We support the provisions which would ensure that trafficking victims are not denied access to legal representation. We believe that these three provisions, among others, would be a great help to the identification and formal provision of services to trafficking victims in the United States.

In conclusion, Mr. Chairman, I want to repeat my thanks to this Committee for considering this bill and making efforts to prevent human trafficking. We reiterate our support for the bill, H.R. 972. [The prepared statement of Ms. Duncan follows:]

PREPARED STATEMENT OF JULIANNE DUNCAN, PH.D., ASSISTANT DIRECTOR, MIGRATION AND REFUGEE SERVICES, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

I am Julianne Duncan, director of children's services of Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB). I am pleased to be here today before the subcommittee to testify on trafficking in human persons and the Trafficking Victims Protection Reauthorization Act of 2005.

I would like to thank you, Mr. Chairman, for inviting us to testify today and for your leadership on this important and vital humanitarian issue. You have been tireless in your advocacy on behalf of victims of human trafficking. In part because of your leadership, Mr. Chairman, general awareness of this issue has grown, as has the response of our government to end it.

Our purpose in testifying today is to provide the perspective of the U.S. Conference of Catholic Bishops on the U.S. government response to human trafficking and to relay our support for the Trafficking Victims Protection Reauthorization Act of 2005, which will be the subject of a markup tomorrow in this Subcommittee.

In my testimony, I will focus mainly on child trafficking victims, who are particularly vulnerable to traffickers. I also will address advances in the treatment of trafficking victims that have been made as a result of the Trafficking Victims Protection Act of 2000 and its 2003 reauthorization; set forth a number of changes in law and practice that the Bishops recommend be made in order to more fully protect such victims; and assess H.R. 972, the Trafficking Victims Protection Reauthorization Act of 2005, which you recently introduced in the House of Representatives.

At this point in my testimony, I will briefly summarize a number of recommendations on actions that need to be taken in order to more fully protect the victims of trafficking. I explore each of them more fully later in my testimony.

Policy Recommendations

We recommend that the U.S. government undertake the following actions, which we believe would more fully protect trafficking victims encountered in the United States:

1. *More avenues should be created for the referral of trafficking victims for certification and services, including referrals from appropriate nonprofit, child welfare, and social service providers.*
2. *Services to trafficking victims should be made available from the point they are rescued to the point they are self-sufficient and in good health.*
3. *There should be established within the Department of Health and Human Services (HHS) a contingency fund for use when sudden, large-scale emergency cases threaten to overwhelm the capacity of nonprofit agencies that partner with HHS.*
4. *Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.*
5. *The federal government should provide more education and guidance to state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services.*
6. *Special procedures should be developed for assisting child trafficking victims, including provisions for their referral, addressing their need for immediate safe haven, expediting determinations relating to their eligibility, providing long-term care in the least restrictive setting, and ensuring that they have access to child welfare specialists.*
7. *Congress should enact into law H.R. 972, the "Trafficking Victims Protection Reauthorization Act of 2005," including its important reforms relating to access to information about services that are available to trafficking victims, guardians ad litem for child trafficking victims, access to counsel, and residential rehabilitative facilities.*
8. *Congress should enact into law S. 119, the Unaccompanied Alien Child Protection Act of 2005, which would establish a comprehensive framework for the protection of unaccompanied alien children, including those caught up in human trafficking.*

The Bishops' Interest in Human Trafficking

The movement of people across boundaries around the world is part of the collective human experience, but towards the end of the 20th century a new and disturbing issue related to the international migration of humans began to emerge: the trafficking of humans through the use of fraud, force, or coercion.

Now, in the twenty-first century, this practice reaches every corner of the globe, from Asia and Africa to Europe and the Americas. The purveyors of this new international scourge—international traffickers and their accomplices—gain power and reap profits from their abuse and exploitation of those they traffic.

This is not a problem which exists merely on far away shores and in less developed lands. It exists right here in the United States, where thousands of persons are trafficked each year for purposes of forced prostitution or forced labor. Trafficking in persons is a modern-day form of slavery, and it is the largest manifestation of slavery today.

The Catholic bishops of the United States and the church community throughout the nation have placed combating human trafficking as a top priority in their public advocacy, educational outreach, and in providing service to trafficking victims. From the Catholic perspective, human trafficking represents a scourge on the earth which must be eradicated. It is indeed troubling that in the twenty-first century human beings are being sold into bondage as prostitutes, domestic workers, child laborers, and child soldiers.

His Holiness Pope John Paul II, in a letter on the occasion of the International Conference on “21st Century Slavery—the Human Rights Dimension to Trafficking in Human Beings,” stated that human trafficking “constitutes a shocking offense against human dignity and a grave violation of fundamental human rights. In particular, the sexual exploitation of women and children is a particularly repugnant aspect of this trade, and must be recognized as an intrinsic violation of human dignity and human rights.”¹

The Catholic bishops of the United States and Mexico have also spoken out on the issue, calling upon the governments of the United States and Mexico to work together to apprehend traffickers and destroy trafficking networks: “Both governments must vigilantly seek to end trafficking in human persons. Together, both governments should more effectively share information on trafficking operations and should engage in joint action to apprehend and prosecute traffickers.”²

In a recent statement, the U.S. Catholic Bishops' Committee on Migration reaffirmed the commitment of the U.S. Catholic Bishops to end this humanitarian crisis: “The Catholic Church . . . in the United States stands ready to work with our government to end this scourge. We cannot rest until trafficking in human persons is eliminated from the globe.”³

The Scourge of Human Trafficking

At least 700,000 persons annually are trafficked within or across international boundaries. They are forced mainly from less-developed countries and regions, such as India, the former Soviet Union, Central and South America, and throughout Africa. They traverse the globe, ending in Germany, Italy, the Netherlands, Israel, Australia, Japan, Canada, and the United States.

It is estimated that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. They are also connected by their desperation and urge to escape the double trap of privation and their perception of migration as an accessible escape route. Often they seek to escape life in a dreary village or oppressive slum, with the hope of finding opportunity and a brighter future in a more developed land.

It is in these environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel to a foreign land, at no immediate expense, for employment and housing. At the end of the journey, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, an illicit factory,

¹Pope John Paul II, *Letter to Archbishop Jean-Louis Tauran on the Occasion of the International Conference on 21st Century Slavery—the Human Rights Dimension in Trafficking in Human Beings*, May 15, 2002.

²U.S. and Mexican Catholic Bishops, *Strangers No Longer: Together on the Journey of Hope*, January, 2003, n. 191.

³Statement of Bishop Thomas Wenski, Press Conference on Launching of Anti-Trafficking Initiative in Central Florida, June 9, 2004.

or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse in the roles of prostitutes, domestic servants, or manual laborers. Many become ill with disease or become infected with HIV. Some lose their lives.

The Church Response to Human Trafficking

As I mentioned, Mr. Chairman, the Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We are working to raise awareness within the Catholic community about the problem, including trainings to help diocesan staff identify and assist victims of trafficking. We have sponsored roundtables and conferences on the subject and held public meetings on several occasions to educate the Catholic faithful and others on human trafficking. It is important to note, Mr. Chairman, that all of our training and education is directed toward one end: the best interest of the victims. Our education and training are intended to help people to identify victims when they see them, and to empower them to act on what they see.

Part of this effort is driven by the Catholic Coalition Against Human Trafficking, which consists of about twenty Catholic organizations which convene quarterly and work together on advocacy and public outreach. The coalition was instrumental in influencing provisions of the Trafficking Victims Protection Act of 2000 and its successor, the Trafficking Victims Protection Reauthorization Act of 2003.

The Church and its service organizations, particularly Catholic Charities, also provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs. Through our networks, we also provide case management services, social service assistance, and legal assistance, where appropriate. We have served 135 adult trafficking victims in the past two years and 36 child trafficking victims. We also have consulted on over 45 potential child trafficking cases, possibly representing as many as 140 victims. In our experience, Mr. Chairman, victims of trafficking need access to a continuum of services in order to attain self-sufficiency and restored mental and physical health.

Trafficking victims also need, first and foremost, safety and security. Many are terrified of the traffickers who brought them to the United States and show signs of post traumatic stress disorder syndrome, among other mental health problems. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. In this vein, MRS/USCCB has developed a system for short-term emergency housing where victims can be safe until they are assigned to a non-governmental organization to provide them with the services they are entitled to as victims of trafficking. Our system of safe houses involves the commitment of individuals and communities, including religious communities, who open their doors when there is an emergency in their area or who network to ensure that victims receive housing and are protected.

Mr. Chairman, let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking. First, faith-based organizations act from a theological and philosophical perspective. For example, the themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have national and international networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies, both domestic and international, which offer expertise and geography that expand the possibilities for outreach and service, an asset not to be underestimated. For example, the Catholic Church is present overseas, in the form of Catholic Relief Services and the universal Church, as well as domestically, in the form of Catholic Charities, local dioceses, and parishes. We also have access to other networks, such as religious congregations around the world.

Finally, faith-based organizations have resources, in the form of human resources, in-kind donations, and other assets, which provide an important infrastructure which can assist in the fight against human trafficking. While we see the effort as a partnership with the U.S. government and other governments around the world, we would be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

U.S. Government Response to the Plague of Human Trafficking

Mr. Chairman, in 2000 the U.S. Congress passed landmark legislation which you sponsored, entitled the Trafficking Victims Protection Act of 2000, which provided the U.S. government the framework to respond to the plague of human trafficking in the United States. In 2003, Congress reauthorized funding for original legislation and made major improvements to it, giving law enforcement authorities more tools to apprehend traffickers and giving trafficking victims, especially children, easier access to immigration benefits and services.

Specifically, TVPA revamped U.S. law by making trafficking a crime against an individual, allowing the U.S. government to focus on victims of trafficking. The government now provides funding to assist victims and issues a T-visa, created under the law, to provide protection and permanence to victims. Reauthorization of TVPA allowed for minors to access the T-visa without being forced to testify in open court against their persecutors and allowed for siblings of victims to come with their parents to the United States. We believe the T-visa and its protection is a major feature of U.S. law which permits victims to remain in the United States and not be sent back to traffickers in their home country.

Since the enactment of TVPA in 2000, the State Department, the Department of Justice, and the Department of Health and Human Services have made great strides in implementing the law. Because of their joint and individual efforts, general awareness about the reality of human trafficking has increased, more victims have been identified and referred for services, and more traffickers have been brought to justice. Your leadership, Mr. Chairman, and that of Congress will help improve these efforts even further in the years ahead.

Despite the advancements made in the past several years, Mr. Chairman, improvements can continue to be made in providing a continuum of services to victims and in identifying and referring victims for care.

The Trafficking Victims Protection Reauthorization Act of 2005

Mr. Chairman, I would like to take this opportunity to comment on the Trafficking Victims Protection Reauthorization Act of 2005, which you have introduced in this Congress. We applaud you for the introduction of the legislation and support its enactment. While we generally support the legislation, we would like to highlight several provisions in the legislation which will help fill the gaps in the continuum of care for victims.

Appointment of Guardian Ad Litem for Potential Child Trafficking Victims. Mr. Chairman, we are in strong support of Section 102 of HR 972. Section 102 (a) requires, to the extent practicable, that victims of severe forms of trafficking have access to information regarding federally-funded programs which provide services to victims. It is vital that these victims, who are traumatized and require special attention, at a minimum receive information regarding the services available to them. Without such information, some are unable to access care, leaving them vulnerable and without support.

Section 102 (b) of the legislation creates a guardian *ad litem* program in the Office of Refugee Resettlement (ORR) which gives the director of ORR the authority, if the director has a reason to believe that a child is a victim of trafficking, to appoint a guardian *ad litem* to investigate whether a child is a child trafficking victim in need of services. It also allows the guardian to guide the child during legal proceedings.

Mr. Chairman, we believe strongly that Section 102 (b) is necessary to ensure that unaccompanied alien children who may be victims of trafficking but have not been referred to ORR by federal or state law enforcement authorities can receive appropriate care and services. In our experience, we have seen cases where children (and adults) who may be victims of trafficking languish in detention or some other setting for months because federal or local prosecutors and law enforcement have not decided whether to pursue their case as trafficking and have not made referrals for services.

In some cases, the child is not able to articulate their circumstances adequately so that federal prosecutors can proceed to make a case. Nevertheless, they are trafficking victims, as their social workers or others can testify. HHS has not been able to determine that these children should receive formal services, thus leaving children in unsuitable care. Even worse, they are left to return to the hands of their traffickers when ORR/HHS is not able to intervene to provide services.

Section 102 (b) allows for a guardian to investigate the circumstances of a potential child trafficking victim and report his or her findings to ORR. ORR can then use the report as a basis for a declaration of eligibility. Implementation of this provision would plug a gap in the continuum of care for child trafficking victims, mak-

ing such a continuum less dependent on the discretion of prosecutors, who may or may not decide to refer a child for services.

Mr. Chairman, Section 102 (b) is designed to assist a child who may be a trafficking victim but who has not been declared eligible for services because of limitations in the system. The guardian shall carry out the duties under the section until one of five events occur: 1). Such duties are completed; 2).The child departs the United States; 3). The child is granted permanent resident status; 4). The child attains age 18; or 5). The child is placed in the legal custody of a parent, legal guardian, or licensed child welfare agency. It is our experience and the current practice of ORR to place the child in legal custody with a child welfare agency upon declaration of eligibility for services. At that point, the child welfare agency, or the parent or legal guardian, acts as guardian for the child.

Access to Counsel for Victims of Trafficking. MRS/USCCB also strongly supports Section 102 (c) of the legislation, which ensures that victims of severe forms of trafficking “shall not be denied access to counsel in any proceeding or matter relating to the investigation and prosecution of the act of trafficking involved.” The provision also requires that victims be informed of their right to have counsel and that information about available counsel in the community be made available. Mr. Chairman, given the lack of counsel available to trafficking victims, Section 102 (c) is the minimum we can do to ensure that trafficking victims are adequately represented in the legal process. The provision does not require that the victim be represented by counsel or that government-funded counsel is provided, but merely ensures that victims are not denied the right to be represented by counsel. Victims of trafficking benefit from counsel because they are involved in legal proceedings to prosecute traffickers, need assistance to obtain a legal visa, and may or may not be involved in deportation proceedings.

Protection of Victims of Domestic Trafficking in Persons. We support Section 203 of the bill regarding the establishment of a pilot program to establish residential treatment facilities for minor victims of domestic trafficking in the United States. Often overlooked in the debate around human trafficking is that trafficking does not have to cross international boundaries. Human trafficking can, and does, occur wholly within the jurisdiction of the United States. We would suggest that the program not be focused solely on the development of residential treatment facilities, which can be costly and restrictive in setting, but begin with a needs assessment which would identify and provide specialized treatment available in the community.

We also support Section 205 of the legislation, which would establish a grant program for states and local law enforcement to work with victim service providers to investigate and prosecute acts of domestic trafficking in persons. It is vital that relationships between local law enforcement and local nongovernmental organizations be strengthened in the effort to combat human trafficking. Local community organizations who work with victims of trafficking can be indispensable in identifying trafficking victims and assisting local law enforcement in identifying and prosecuting perpetrators. We encourage that such a program be extended to all forms of trafficking, not just domestic trafficking.

Prevention of Trafficking in Persons. The USCCB also supports the provision in Section 101, Prevention of Trafficking in Persons, to instruct the Agency for International Development (AID), the Department of State, and the Department of Defense to incorporate anti-trafficking protections for vulnerable populations in post conflict and humanitarian emergency situations. War exacts a terrible human and material cost on its victims. Too often, in the chaos of war and ensuing refugee situations, women and children in particular are subject to trafficking. As we recently saw in Thailand and Indonesia after tsunami devastation, children can be vulnerable to traffickers after a natural disaster or humanitarian crisis. Improved research and implementation of standards and programs in these agencies are necessary first steps in the prevention and elimination of the abuse arising from trafficking in post-conflict or humanitarian situations.

Enhancing United States Efforts to Combat Trafficking in Persons. In supporting Section 104, we are all too familiar from our own experience that children are often abducted and enslaved as child soldiers. We must put an end to this horrific practice, which can destroy future generations. We strongly support Section 104(f), to strengthen the capacity of multilateral organizations to address trafficking by peacekeepers. Peacekeepers are essential to helping communities end conflict and restore stability and peace. Abuse and trafficking by peacekeepers is a terrible betrayal of trust and damaging to long-term peace-keeping efforts. Strengthening certification of these organizations to prevent and address trafficking is most welcomed.

In addition to endorsing the enactment of H.R. 972, we also make the following recommendations for your consideration:

1. *Services to trafficking victims should be made available to victims from the point they are rescued to the point they are self-sufficient and in good health.*

While the Congress has appropriated funds for services to trafficking victims through the Office of Refugee Resettlement of the Department of Health and Human Services (ORR/HHS) and the Department of Justice, there exist gaps in funding and services for victims which should be addressed.

First, funding for services should be made more available once a victim is identified but before certification by HHS. This is a critical time in the care of a trafficking victim, who is usually traumatized, physically and mentally abused, and insecure. The funding which is available for pre-certification is inadequate to address the needs of an individual when the period between his or her identification and certification lasts many months. Care and placement should begin immediately upon the rescue of a victim. While both the Department of Justice's Office of Victims of Crime and HHS recognize this principle, the funding does not match the long-term care that the investigation mandates.

Consideration should also be given for the care of victims post-certification, at least until they have achieved self-sufficiency and good health. Currently, funding provides for initial screening, health-care, employment referral, and other services, but does not follow the victim beyond the initial stages of resettlement. This leaves these victims susceptible to traffickers and to desperation on the streets.

We recommend that the subcommittee examine the continuum of care given to trafficking victims and work to fill the gaps which undermine the potential success of victims to lead happier and more fulfilling lives.

2. *More avenues should be created for the referral of victims, especially child victims, for certification and services, including referrals from appropriate nonprofit, child welfare, and social service providers.*

Although as many as 17,000 persons are trafficked into the United States each year, approximately 500 have been identified and certified since 2000. This is primarily because of the lack of awareness among the general public, community organizations and groups, and local law enforcement authorities, which should improve in the months and years ahead. It is also because there exist only certain avenues for referral, mainly by federal authorities who apprehend and prosecute traffickers and who rescue victims.

We strongly believe that more avenues for referral should be available. Non-profit organizations in the community, such as child welfare agencies or social service providers, possess experience in identifying potential trafficking victims and should be allowed to refer victims to ORR for appropriate services, where possible.

3. *There should be established within the Department of Health and Human Services a contingency fund for use when sudden, large-scale emergency cases threaten to overwhelm the capacity of nonprofit agencies that partner with HHS.*

While HHS funding for victims has been adequate, given the low numbers of victims identified it will not accommodate numbers that will surface if the HHS *Rescue and Restore* program is effective. When large numbers of victims are uncovered, no funded agency can respond without depleting their funding on one single case. We recommend a contingency fund that is both large enough and flexible enough to provide for large-scale emergency cases.

Recent events on Long Island demonstrate the need for such a fund. Last year 69 Peruvians were rescued from captivity in Suffolk County, Long Island, by law enforcement authorities. They had been held in captivity for four years, forced to work 18 hour days and pay traffickers. Catholic Charities of Rockville Centre diocese is now attempting to provide counseling, medical care, job placement, housing, and immigration assistance to the victims

4. *Federal agencies should better coordinate efforts, especially in the certification, protection, and care of victims.*

The creation of a State Department office to Monitor and Combat Trafficking in Persons in the TVPA has helped focus the efforts of the U.S. government in the last several years. Among the initiatives undertaken by the office include an interagency task force to coordinate efforts and initiatives to combat trafficking and the sponsorship of conferences to educate the public and others about the issue. The office also issues an annual Trafficking in Persons report, which identifies sending countries and holds them accountable for not address-

ing the issue in their countries. The office also speaks for the U.S. government on trafficking issues, raising awareness domestically and abroad.

Despite significant progress in this area since 2000, coordination between federal agencies, such as the Department of Justice and the Department of Health and Human Services, could be improved. For example, information on victims and prosecutions should be more readily shared between the agencies, and questions about implementation of the law should be jointly considered and addressed.

5. The federal government should provide more education and guidance to state and local law enforcement agencies on their authority to recommend that trafficking victims be referred for services.

The reauthorization of the TVPA in 2003 includes a provision which allows ORR/HHS to consider referrals by state and local law enforcement authorities of trafficking victims for certification. However, federal guidance on this provision has not been forthcoming, resulting in confusion as to how local and state law enforcement are involved in referral/certification decisions. We recommend that the exact authority of local and state law enforcement to refer victims for services be clarified, either by statute or regulation.

In addition, many state and local officials are unaware of this provision and of the certification process and services available to victims. Since state and local authorities often encounter trafficking rings and victims without recognizing them as such, more education should be provided by the federal government to state and local governments for this purpose. We applaud the initiatives of the Department of Justice to provide this education and encourage them to move expeditiously.

6. Special procedures should be developed for assisting child trafficking victims, including provisions for their referral, addressing their need for immediate safe haven, expediting determinations relating to their eligibility, providing long-term care in the least restrictive setting, and ensuring that they have access to child welfare specialists.

Mr. Chairman, MRS/USCCB have a special interest in the situation of children who are trafficking victims. As you know, children are particularly vulnerable to traffickers and are susceptible to their abuses. We must pay particular attention to child trafficking victims and ensure that they are protected and provided special care.

Mr. Chairman, children are perhaps the most vulnerable group of victims of trafficking. While efforts to find and assist victims of trafficking have been pursued with commendable commitment over the last several years, I fear that children, as a group, have fallen through the cracks of these enforcement efforts. Since the enactment of TVPA, only 63 child victims have been identified within the United States and referred for services. However, knowledge of the nature of trafficking, the sexual exploitation of children, and statistics gathered by the State Department on worldwide numbers of trafficked kids leads one to conclude that many more children are being held involuntarily in trafficking situations in the United States than we have so far identified. Special attention needs to be given to identifying child victims of trafficking crimes.

Mr. Chairman, I would like to share with you and the subcommittee members a success story of trafficked children who were referred to our agency for services.

In early April, 2002, a local law enforcement agency conducted a raid on an organized crime syndicate involving illegal aliens engaged in prostitution in the United States. Among those apprehended were four young girls from Mexico who had been lured to the United States with promises of marriage, but who instead were forced into prostitution and kept in virtual slavery. At the time of their apprehension by law enforcement personnel, the girls, ranging in ages from 14 to 16, had been in the U.S. and kept in slave-like conditions for two years. They were not allowed to leave the houses in which they were forced into prostitution, were often beaten, and were forbidden to even speak with each other.

Shortly after the raid, a call was made to ORR/HHS and to Migration and Refugee Services of the U.S. Conference of Catholic Bishops in Washington, requesting assistance in locating an appropriate child welfare environment in which to place the girls. Within a week, the girls were transferred to a state-licensed, residential program for unaccompanied minors which specializes in assisting children suffering from sexual abuse and is experienced in caring for children around the world.

Since placement of the girls, reports are that their fears and trauma-induced nightmares are abating. The girls have since received T-visas and helped prosecute the men who trafficked them. The court convicted the traffickers and ordered them to

give restitution of \$135, 000 to the girls. They are receiving an education and two are living with family.

Mr. Chairman, this is an example of how the system should work. Unfortunately, it does not always work in this manner because not enough child victims are able to access the system.

Of the close to 17,500 persons trafficked into the United States each year, an estimated one-third are children. Unfortunately, there have been few referrals of children for services since 2000. Through January of this year, only 63 children nationwide have been certified and referred for care. Since 2000, we and our partner agency, the Lutheran Immigration and Refugee Service, have received only 36 referrals of children for services.

The children identified and “determined eligible” for services in the United States to date are largely being served in specialized foster care programs which have long experience caring for refugee, asylee, and other unaccompanied foreign-born children. *Immediate safety* and *long-term stability* are the overwhelming needs of child trafficking victims, regardless of age, background, type of enslavement or any other characteristic. For some of the children to date, the referral and service system has worked well. However, a continuum of care in which the child experiences the most stability should become the norm for child referral victims.

The care of children, particularly extremely vulnerable children such as child trafficking victims, should be governed by a set of principles to ensure positive outcomes. These principles include use of the “best interest of the child” standard in all cases; the provision of immediate safe haven with a systematic plan for assessing a child’s needs; the exploration of family reunification as a priority; the placement of children in the least restrictive setting; the provision of legal assistance to children; and the development of a long-term plan for self-sufficiency for children.

Despite best efforts, there exist gaps in the continuum of care for child trafficking victims, including initial identification by law enforcement of trafficked persons as children and victims, referral to ORR/HHS to be determined eligible for services, and assessments of “family reunification” placements to ensure children are not given back to traffickers.

These gaps can have major consequences for child trafficking victims. For example, when children are not identified as trafficking victims, they may be mistakenly identified as adults, detained and deported through the Department of Homeland Security detention system, placed in overburdened local child welfare systems with little security and planning, or released back to traffickers or their associates. When children are identified as trafficking victims but not referred to ORR/HHS for care, they can be placed in short-term shelters where they experience frequent moves, receive no orderly system of assessment and treatment, and have no long-term safety and security.

In order to avoid these devastating consequences for children, we offer the following recommendations:

- Procedures should be developed for all federal, state, and local law enforcement personnel to *refer immediately* children in trafficking-like situations for assessment and age determination with benefit of the doubt going to the child;
- A system of *immediate safe haven* should be developed where a child is safe while being determined eligible, which includes immediate care and assessment of needs and a strategy to assess family for possible safe reunification;
- Determination of eligibility for child victims should be expedited, with the assistance of a guardian *ad litem*, if necessary; and
- *Long-term care in a least restrictive setting* should be arranged, with capacity for therapeutic intervention; assistance with legal obligations; plan for family reunification; or eventual self-sufficiency.
- A *child welfare specialist* should be appointed to oversee the child from rescue to self-sufficiency. Such an expert can act as a decision-maker for a traumatized child in a complex legal and child welfare system.

The Catholic Church recognizes the special vulnerability of trafficked victims who are children and are ready to work with the federal government to develop and implement programs which address their needs.

Finally, Mr. Chairman, we would ask the subcommittee’s support for legislation which addresses the plight of unaccompanied alien children. Senator Dianne Feinstein has introduced S. 119, the Unaccompanied Alien Child Protection Act of 2005, which would sensibly resolve these ambiguities and provide other needed reforms in the care and placement of these children, including ensuring that proactive steps are taken to protect such children from smugglers, traffickers, and unscrupulous at-

torneys who may be cooperating with such criminals. I commend the Senate for passing this legislation in the 108th Congress and urge both the Senate and House of Representatives to pass it in this Congress so the legislation may be presented to the President for his signature.

Conclusion

Mr. Chairman, the issue of trafficking in human persons is perhaps one of the most important human rights issue facing the world community today. The United States, and Congress, have taken significant steps in the past several years to address this problem. The historic passage of trafficking legislation in 2000 established the framework for the U.S. response and places the United States as a moral leader in the effort to eradicate the scourge of trafficking from the face of the earth. Reauthorization of the legislation in 2005 would represent another positive step.

I am confident that, with better coordination and cooperation between all branches of government, we can, as a nation, punish traffickers and provide appropriate care to victims. We also will, as a nation, influence other nations to step up their efforts to end this practice, so that vulnerable men, women, and children everywhere will not become victims of the worse side of humanity.

Thank you for considering our views today.

Mr. SMITH. Dr. Duncan, thank you very much for your testimony, and without objection, your full statement and those of all of our witnesses will be made a part of the record.

You have made a number of very important recommendations, some of which are in the bill, some that are allusive, and I think you give us additional information to begin working on for additional text, so I do thank you for that.

In looking at your testimony—oral as well as in your written—you talk about the barriers and the avenues of referral. I, too, am concerned that only 63—I think, is the number you have here—child victims have been identified within the U.S. and referred for services. The law enforcement provision, even though it does not bind a youth in terms of testifying, was a sticky provision back when we originally wrote the law. There were those who wanted an even tougher provision, believing that this would be liable to fraud if we did not have some connection to law enforcement.

What I argued for was, at least, a minimum policy of aiding law enforcement in the prosecution. Certainly we want to put traffickers behind bars, but for a traumatized young woman who is 18 or older sometimes that becomes generally impossible; to do just the barest minimum would be prescribed. So we need to work on that further, and I think you have some very good recommendations here.

I did want to ask you, if I could: What do you think the unmet need is? How many children are going without the services that they otherwise should be provided?

Ms. DUNCAN. Well, I think Mr. Miller gave the estimates of the number of probable children who are trafficked into the United States: 17,000 people. If half, at least, of those victims are women and children, at the very minimum, we must assume that about 5,000 children are trafficked into the United States per year. The number, 63, is the total number of children who have formally received benefits since 2000, since the passage of the bill. Thirty-six of those 63 are unaccompanied; the others are with parents or legal guardians.

It seems to me that the Department of Health and Human Services (DHHS) effort, the Rescue and Restore Campaign, is beginning to bear fruit. We have received considerably more requests for consultation during the past year than we did the year before, so we

do think that the word is beginning to get out and that there will be more referrals. If we consulted on 45 cases in which there were probably 140 children during the past year, I think we have to assume that the system should be prepared to receive and care for several hundred children per year once this system gets up and running.

Mr. SMITH. I would just say as well that I participated in one of the breakout meetings that DHHS conducted at Newark with the diocese of Newark, the archdiocese, and Bishop Myers was there of Catholic Charities and a whole host of NGOs. That kind of breakout, I think, was a learning experience for everybody, including several law enforcement people who were aware but not to the degree that they walked away with after the conclusion of the meeting as to how, within their own municipality, their own county, trafficked women were being exploited. I remember the Union County prosecutor came forward, who is Ukrainian by ethnicity, and was shocked to hear how many Eastern European women were in his area, Russian and others, who have been trafficked. He had no idea. So I just want to thank you.

Let me just ask a couple of other questions. Ms. Fernando, you talked about and you gave this Committee the reason why we are trying to do this. You are the reason, the victim, and thank you for your courage in coming forward.

We did make mention of job agencies being a front for trafficking. That is something we have not focused on enough in the past, that legitimate or illegitimate job agencies become the conduit by which the traffickers open up shop. I think that is something we need to look at further in our work. I thank you for bringing that forward because, frankly, in all of my years working on this, we had not focused on that, so I do appreciate that. Anything you might want to say regarding that, we certainly welcome.

Ms. FERNANDO. Yes. In Sri Lanka, there are so many job agencies, and even the Government is encouraging the people to go to the Middle East to get these housemaids/housekeeping/cleaners jobs. So how they get it is through these agencies. They are conducting Arabic classes so they can learn the language and get the jobs. Sometimes the agencies in Sri Lanka are not necessarily the traffickers, but when they transfer these people to the Middle East, then there they get into the traffickers' hands.

Mr. SMITH. Could I just ask you: To what do you attribute your ability to recover, or you are in the process of recovering from your trafficking experience? What are the most critical types of assistance that you think our Government, or any government, needs to be providing for trafficked victims?

Ms. FERNANDO. I think, mainly, they should really register every month all of the children and women and men who are going to be domestic workers leaving the country. They should be registered. There should be a record so anyone can check them, because once they leave, they just disappear. Even when they come back, no one knows; they will not speak about it in public.

Mr. SMITH. Let me ask you, Dr. Mendelson, if you would, as you know, our legislation would establish a Director of Anti-trafficking Policies in the Office of the Secretary of Defense. You probably heard earlier a little interplay between one of the other Members

of the Committee and myself. I understand and fully appreciate a lack of faith that the military will get it right, especially after Abu Ghraib and other problems. It should be noted for the record that it was the military that uncovered Abu Ghraib—it was a whistleblower within the military—and there have been significant investigations, prosecutions, and convictions. I do not like the fact that this happened. Nobody does. I abhor it. That said, the Convention Against Torture is absolute in its proscribing any type of torture, but here we are talking about a unit that would be a strike force, if you will, within the building to ensure that all that can be done and should be done is being done; at least, that is what we envision it as, but I would appreciate your thoughts on it.

Ms. MENDELSON. Well, I think one thing to consider is that there is, obviously, a larger issue of how the Department of Defense has dealt with human rights issues inside its own building and among its own troops, on its own troops, and, at one point, I thought that that was an alternative to an office that dealt specifically with trafficking. This is an organization that is, in a lot of ways, struggling with itself. It is struggling to get post-Cold War, if you will, and part of what we see when we look at peacekeeping operations and trafficking in persons is that they have not really developed all of the capacity and training that they should have for people going into the field to work in peacekeeping operations because, frankly, they have not made it as much a priority as perhaps they should have.

I came to the realization, or my belief, that there should be an office in a couple of ways. Initially, I thought there should be an office, and then people sort of talked me out of it and said, “No, no, no. Much better to have the assets distributed around the building.” And I watched over a period of a year and a half, where the youngest person in the office was assigned to deal with it, and sometimes that was an intern, where people talked about it as “I am the stuckee” or “expert by appointment,” where there was just no leadership, over and over and over again. And it was as if people did not understand that not only they should have been responding to NSPD 22, but that this was actually part of their mission and that it was not something that they should be running from.

So it became clear to me that there needed to be serious leadership, there needed to be assets, and there needed to be resources devoted to this. The State Department is not in the business of overseeing what the Department of Defense does on this issue, and this is beyond education and training. This is about making sure that inspectors are trained in how to do this kind of investigation, which is quite sensitive and which Inspector General Schmidt admitted, they are in the very early stages of learning. Military police, CID, need particular focus. Special Forces need focus. Our academies need to be trained on this issue. We have issues with reserves as well who are more and more on peacekeeping deployment.

But it is also that the Department of Defense can lead in working with other NATO countries’ ministries of defense and with the U.N. on this issue. What I see is that Finland, Sweden, Norway are with us, but I am looking for Great Britain, I am looking for

France, I am looking for Italy, and I am looking for Germany, in the NATO context. Obviously, in the U.N. context, we have an enormous burden. If you think of it as a campaign, that this is a campaign to cut the links between peacekeeping operations and trafficked women and girls, if we can get it right at DoD, and we are getting it right at NATO, then we have the possibility of also looking at the U.N. And I should say that these are, all three, very different organizations, and I recognize that they have different burdens and different responsibilities and different organizational cultures.

I understand the Congresswoman's concerns that DoD might not be transparent, and, for that, we certainly look to Congress, and that there should be a strong oversight. We also would hope that whoever is leading this effort understands this issue, embraces this issue, and is going to work—both on the military side and the civilian side—to advance this. But I think that we cannot just sit back and believe that organizations feel some obligation to implement these policies, particularly if they have no resources devoted to them, and if they are not devoting any resources to them.

Mr. SMITH. I would just note for the record that when we did the International Religious Freedom Act, as well as the Trafficking Victims Protection Act, there were large numbers of people who thought this kind of specializing within the Department of State was a misguided but well-intended effort. I think both of those efforts have yielded fruit and have actually mobilized the rest of the building, across the under secretaries, across the assistant secretaries, and our Ambassadors have now taken a lead.

When we first did the Trafficking Victims Protection Act, we made what is now Ambassador rank a Director because we could not do the lift sufficient enough to get that passed. There was not enough support for it. We came back, and it was—an Ambassador. But there was that sense of, well, that is why we have a Human Rights Bureau, that they should be doing that. That is why whenever you travel, you find out there is some Foreign Service officer, and like the intern you mentioned, it is usually the lowest-grade person on the totem pole, the newest person in the mission, who is the human rights action officer. And it always has bothered me that everyone else is doing trade and other important issues, and human rights gets a little asterisk at the bottom of the page. It seems to me, that same kind of trivialization could happen within DoD. Dr. Mendelson?

Ms. MENDELSON. Let me just add that there is the additional aspect of this that is addressed by the bill legally, and that is civilian contractors. It is extremely important that the extension of jurisdiction be to contractors beyond DoD but that within DoD the responsibility for reaching out to the private sector and getting defense contractors smart on this issue, proactive on countering trafficking and not trafficking, is enormous, and we have not made the kind of progress that I would have hoped that we would have made to date, and this is very, very big business, billions of dollars, and I think that we really need to focus our efforts on that.

UCMJ, the changes that you want to make, that you are recommending, are extremely important. We want this to be a kind of precedent setting for other countries, and you mentioned the case

of the Russians. We know that there is a lot of trafficking that goes on within the Russian military, not only when there are peacekeepers, but there is an enormous amount of labor trafficking inside, and it would be very helpful if we had this in our military code of conduct when talking to Russian colleagues.

Mr. SMITH. Congresswoman Smith, in Ambassador Barnes' testimony, she mentioned that South African girls are trafficked to brothels in the Netherlands. I, and I am sure you have done this as well, have spoken to the foreign minister of the Netherlands, where prostitution is legal. They seem to think there is a bright line of demarcation that can be erected between prostitution and trafficking, and then when all is said and done, there is a commingling and, very often, what they call "a prostitute that has gotten there free and on her own accord" is really a trafficked woman. Why don't you give me your response, especially in terms of the Netherlands?

Ms. SMITH. I am a businessperson by background. If I were to build a mall, I would automatically attract those that would want to sell products. So what happened is the Netherlands has built a mall. They drew some courts around the mall blocking us last week. I did not find an alley or even a main street within an hour of the Union Station where there were not brothel windows with women standing.

They are in a struggle with themselves. I know they travel and say, "We have clean prostitution," but I am recalling my history of the country and they also had the cleanest slave ships, and they were proud of their clean slave ships. While I was there, I stood before a very large, brick building down on the waterfront, and in brass was New York and major cities all over the world where they repackaged slaves that they sent on in their clean slave ships. And as I look at it, slavery is slavery.

I am about proving this right now, but I believe most of the girls in these brothels are trafficked victims. I cannot prove that yet, but I would say that it is high enough that I would place this question before the Government at a proper time: If you had a slave factory in Amsterdam that made product, and it had 50 percent, which is what they are saying came from poor countries and were trafficked probably at some point, would you say that slavery was okay? No, they would not. For some reason, some societies have decided that sexual slavery is okay.

So I do not buy that it is clean; I do not buy that it is safe. I am the person that interviews thousands of these girls. When I finally get to where they trust me, or they are in a place in one of our homes, and they talk about their real age and how they were told to say they were, whatever country, 16, 18, or whatever, that made them legal, you find out that most of them are 13, 14, 15.

I just left a little girl named Hope who was trafficked at 15. I think she might be a little bit mentally slow. I left her with some color books and some school supplies. I have her in hiding. She was trafficked last year, and she is in one of those clean brothels, or she was, in the Netherlands.

Mr. SMITH. Thank you. One final question because I understand there is another Committee coming in very shortly, but I will submit some questions for the record, if you would not mind getting

back to us. We have a provision for a certification requirement for peacekeeping, and, I guess, Dr. Mendelson, you would be the best one to ask this of, the idea that 15 days before approving or re-approving a current mission, our Secretary of State would have to certify that sufficient safeguards are in place to prevent trafficking and to prosecute if it, indeed, happens. What is your take on that provision?

Ms. MENDELSON. I was not at the hearing last week because I was traveling to Finland, but I heard that there were Representatives of many States that showed up because they are concerned about this issue of withholding either funds or peacekeepers, and I think that on some level the bottomline gets attention. I am worried that, or I have concerns, that certification be done in more than a pro forma way and that maybe there is some way that we can work to make sure that there is a formal process of review. I have been to trainings for DynCorp, which was a certification process, and I was unimpressed with the training. It was pro forma. It was not mission specific. I talked to some of the folks who were in the training afterwards, and they did not understand what the issue was. They sort of had some idea that there had been a problem in the past.

This is not rocket science, but it is also not automatic. I am sure there is a way to come up with a smart way to do certification, and I look forward to working with you and others on that. I think it will get the attention of the international community very, very quickly when the U.S. starts holding back and shows they are very serious.

Mr. SMITH. I appreciate that.

Secretary Kim Holmes had a couple of, I think, interesting ideas that we are taking into consideration. I am sure they will do it themselves. The idea is that countries that are deploying troops certify in writing before the fact that they have in place education. Secondly, that if there are members from their military that are found complicit in trafficking or prostitution, that they will be prosecuted, and to do so in writing. I thought that was a very valid recommendation from him. Yes?

Ms. MENDELSON. Part of what we have to do are awareness campaigns and change behavior and knowledge of peacekeepers. We need to do that in as thorough a way as possible. It is very hard with just posters that are based on the policy. We really need to work on that. So I look forward to that.

Mr. SMITH. The one question I have not gotten an answer to, and perhaps one of you might have it, is: How well or poorly do you think we have been, or the International Committee, has been vetting those who are deployed? I mentioned to Jane Hall Luttes, when she testified, from the United Nations, and I thought she did a very good job and is very deeply committed to eradicating trafficking and this kind of exploitation, and I made a point at the time which she took some umbrage with, and that is that we do not want peacekeeping to become sex tourism for soldiers.

There has to be, at least, some people out here who might see this as an opportunity to exploit young children or vulnerable women, a registry of anyone who has committed any kind of crime like this to ensure they do not jump into a peacekeeping deploy-

ment. I say that with additional emphasis because Megan Kanka, a young girl who lived in my district, in Hamilton Township, was killed brutally by a pedophile who lived across the street. It has led to Megan's Law, the disclosure laws that we now have in most of the States, and we have a Federal overlay to try to promote that idea in terms of withholding certain funds. A right to know who it is that you are sending, and they are not somebody with significant perversion who then acts it out on a vulnerable population. So a register of past people who have committed crimes so they are not just back into the system again, but also a vetting to make sure that these people are weeded out.

Ms. MENDELSON. At the moment, we have no assurance that people who have been either actively trafficking, facilitating trafficking, in some cases involving trafficking are not serving somewhere else. It is a particularly acute problem in contractors, which I discuss in the report. I think that there is a role for external oversight. It is not just the DoD who is not used to working with NGOs. NATO is really stretched in its effort. The U.N. is more used to it, but they have also been somewhat resistant. This is, you know, a transnational crime. You have to have transnational efforts at combating it.

So I think that, to the degree that we can institutionalize the role of both inside and outside eyes watching this, I think that is important.

Mr. SMITH. Would anybody like to add anything before we conclude?

I want to thank you so much for your testimony, for your leadership, for the clarity of your presentations, both written and oral, and for the wisdom you have conveyed to this Committee so that we can, hopefully, craft a good piece of legislation, and, hopefully, we all benefit from that. Thank you so much. The hearing is adjourned.

[Whereupon, at 1:31 p.m., the Subcommittee was adjourned.]

