

**OSCE's "Combating Human Trafficking" Signing
Remarks by First Lady Hillary Rodham Clinton**

**Istanbul, Turkey
November 18, 1999**

Thank you so much. Thank you very much, Stana. I am delighted to be here with the delegates and the members of the NGO community—and so many other distinguished guests—to join all of you here for this important session at this very significant OSCE Summit, and just briefly to add my voice to those who have already spoken so eloquently this evening.

As I was listening to all of the speakers, I had a series of images running through my mind. I remember very well crouching down by the chair of a 12-year-old girl who had been sold into prostitution by her own parents who were desperate for the income that would come from that sale, only to find that the child returned home within a year, dying of AIDS. I've met other families who have stayed home nights worrying about what has happened to their daughters because they haven't heard from them since they went to the discotheque, or answered the ad to be a nanny or a clerk, or pursued some other economic opportunity that was offered.

We do, however, come together at a time when there is a growing global consensus, as we've already heard, that is not only taking place here in Europe and in the United States, but is finally reaching into many other parts of the globe. That consensus is a strong stand against the slavery that trafficking in human beings represents.

Here tonight we have presidents, prime ministers and foreign ministers, lawmakers and NGOs—international organizations from all over the world. And I wish to thank the chairman for the work you have done and for the leadership that your country has provided on this very critical issue. I also wish to endorse the OSCE plan of action, which we have just heard described and which the United States strongly supports.

Shortly before we gathered on the stage, I met with representatives of the Austrian government. Austria is pledging to implement that plan of action when Austria assumes the chair of the OSCE in the coming months. And that is only appropriate, because I remember very well speaking about human rights and their particular application to the scourge that trafficking represents at our first Vital Voices meeting—"Women in Democracy"—that was held in July of 1997 in Vienna, where women leaders from throughout Eastern and Central Europe came together to share their concerns and to hopefully come to some understanding of how they could work to meet those concerns and challenges.

Many of those represented there—from both government and NGOs, from both the public and the private sectors—shared their deep concern about the issue of trafficking. They told us in great detail how so many women in their countries were desperate for economic opportunities and how they thought they were following their dreams when they left their countries of origin to seek a better future, they believed, only to find themselves in a nightmare—imprisoned by employers and often never seen or heard from again.

Those voices, though, were heard when we all traveled to Iceland last month for another Vital Voices conference. There were many Baltic and Nordic and Russian women leaders present. And again the issue of trafficking was raised, most dramatically raised by the President of Latvia in her memorable address. But it wasn't just to wring our hands and trade the terrible stories we knew, but instead to develop and commit ourselves to strategies. Because in the last several years, the trafficking of girls and women had finally come out of the shadows and moved into the spotlight and the glare of attention that we hope will lead to the strategies you've heard discussed actually being implemented.

In March of 1988, the United States government, through the President, announced an anti-trafficking strategy focussing on what we call "the three p's"—prevention, protection and prosecution. Prevention means, as we've heard, the education and empowerment of women so they do not fall prey to trafficking. Protection means addressing the human rights of the victims and offering the assistance that they require. And prosecution means doing more than we have done so far. One percent of the 180,000 cases leading to prosecution is, we all know, much too low. We have to use the full force of the law to root out those criminal networks that profit from trafficking.

To accomplish the goals that the United States has set, we have put our federal government to work, led by our Secretary of State Madeleine Albright, but also including other departments and agencies, including Labor, Justice, and Health and Human Services. We are working with our Congress to develop the legislation necessary for the United States to take the action we know we should. We've also developed partnerships with other governments, including Italy, Finland, and Ukraine. In some cases, we are working together to protect victims. In others, we are using our resources to help put into place education campaigns.

I'm very pleased to announce this evening that our government plans to dedicate \$1 million to combat trafficking in the OSCE region. With the approval of Congress, these funds will be available to help girls and women in the coming months. The government of Norway will be hosting a gathering next spring to talk about what we have accomplished and how much more work we have to do. I hope that by next spring we will be able to look back at this meeting, and the ones that have preceded it, and be able to mark the progress that has occurred.

I hope we will say that we have finally, in all of our governments, put the laws on the books that we need to prevent this crime. I hope we will be able to say that we have provided resources to empower the NGOs, like La Strada, that are on the front lines protecting women and girls from the abuse of trafficking. I hope we will be able to say that in all of our countries our criminal justice systems now take this issue of trafficking seriously and are putting resources to work in order to prosecute the perpetrators. And I also hope we will have committed ourselves to even greater efforts to remove the causes that lead young women to leave their homes of origin by working to ensure more economic opportunities—through microcredit, through changes in the economic structures and the opening of markets—in all of our countries. And I hope that we will take a strong stand on behalf of the social justice concerns that underlie the issue of trafficking.

I also hope that we will have moved closer to achieving a consensus in the United Nations on an anti-trafficking protocol. We have work to do, those of us in the United States and in Europe, to persuade other nations throughout the world that the trafficking of women and girls is not a custom, is not an inevitable part of fate that affects some and not others, but is, instead, an international crime. If we do so, then we will be able to require all participating countries that signed the protocol to punish the perpetrators and protect the victims.

There is much that we can do together. We come from source countries, from transit countries, from destination countries; but all of us have a role to play in translating the extraordinary and eloquent statements we have heard from this podium into the actions that each of us must be committed to take. I look forward to learning more about the progress that we can make together, and looking for ways that all of us—in government, NGOs, communities—can continue to stand against trafficking and stand for the fundamental human rights of every single citizen.

Thank you all very much.

~~The First Lady's Homepage~~

CURRENT USAID/KYIV ANTI-TRAFFICKING ACTIVITIES

February 29, 2000

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GOALS	PROJECTS / PROGRAMS	ACTIVITIES	LIFE OF PROJECT	FUNDING
PREVENTION				
Increased Economic Opportunities	- All business-development activities of Mission. (More than 10 implementors.) - Includes WEE (Women's Economic Empowerment) Project (\$2.1 million for LOP).	- Credit, technical assistance, and women's business association development. - Seed grants to NGOs for business training and advocacy.	- Varies - WEE: 2.2002.	FY2000 17% of all Mission funding (\$11.9 of 70 million) going to Business Development. - Of that 17%, 40% (\$4.8 million) is going to women entrepreneurs. - WEE is \$.5 for FY2000 (included in above total).
	Trafficking Prevention Project (TPP)	Job skills training program at each of the 3 Centers: Dnipropetrovsk, Donetsk, & Lviv, . With cost-extension, Centers expanded to 5.	Extended to 12.2002.	Initially \$1.03 million. Cost-extension of \$2 million.
Increased Public Awareness	Trafficking Prevention Project (TPP)	Public awareness campaigns.	See above.	See above.
	Internews (just held anti-trafficking coordination meeting with NGOs and USAID)	Radio & TV PSAs.	not available	not available
	To improve coordination among all parties involved in Anti-Trafficking Initiative: <i>Effective Communication -- Anti-Trafficking Training Course</i>	- Includes USG Trafficking Coordination Committee. - Primary outcome is <i>USG Action Plan</i>. - Netherlands representatives will present their legislative & NGO lessons learned.	FY2000	not available
	<i>Girls Leadership Program</i>	Girls, 12-16, will be trained in leadership skills and trafficking issues.	Summer 2000	not available

GOALS	PROJECTS / PROGRAMS	ACTIVITIES	LIFE OF PROJECT	FUNDING
	Ukraine-produced 3-part docudrama.	- To be broadcast on national television. - Includes <i>Public Education Plan</i>: e.g., publicize other resources, including hotline numbers; show at community meetings with follow-on Q&A discussion.	FY2000-01.	Approximately \$.2 million.
PROTECTION				
Provide Hot Line and Other Support to Victims	<i>La Strada</i>, primary local anti-trafficking NGO.	- Hot lines for victims and their families. - Other direct assistance.	Through 12.2002 (funding through TPP).	Will be included in cost-extension to TPP.
Provide Legal, Psychological, & Medical Information & Services	Trafficking Prevention Project (TPP)	Centers provide legal assistance and referrals for medical and psychological help.	See above.	See above.
PROSECUTION AND ENFORCEMENT				
Train Lawyers, Judges, and Law Enforcement Officers	Trafficking Prevention Project (TPP)	- Train lawyers providing legal consultations at Centers. - Presentations on trafficking at conferences and seminars for law enforcement professionals.	See above.	See above.

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SUMMARY OF ASSESSMENT TEAM FOR

***USAID/UKRAINE ANTI-TRAFFICKING PROGRAM STRATEGY REVIEW AND LEGAL
COMPONENT DESIGN***

January 12, 2000

ATTACHED:

- **Key Findings.**
- **Executive Summary of full report.**

Assessment completed by Management Systems International
For USAID/Kyiv
AEP I-00-96-900006-00, TO # 816

Team Members:

Lynn Carter, MSI, Team Leader
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Key Findings

- There has been progress in dealing with trafficking in the Ukraine. There is growing awareness of trafficking as a serious problem in the Ukraine. Momentum for action is building in both civil society and the government.
- Rising government commitment evident in various areas – statute 123, interest of human rights ombudsman, coordination committees, MOEducation efforts, create of vice squads in the MOI, increasing cooperation between NGOs and government, increasing civil society activity.
- Reliable data are in short supply. Little research seems to be underway in Ukraine and inadequate cooperation with the primary receiving countries makes it difficult to learn more about who is being trafficked, how they are being trafficked and what can be done to help them.
- Major problem – strategies to combat remain somewhat theoretical until grounded in more knowledge. We were struck by how little is actually known as opposed to surmised.
- Investigations and prosecutions are on the rise. However, serious obstacles exist, including inadequate international cooperation, victim reluctance to testify, and endemic problems in the legal/judicial system.
- Lack of international cooperation major problem – Europeans collect no data, foreign police deport without investigation, women often leave Ukraine legal and main elements of crime take place outside of country, some countries like Israel and Turkey little cooperation, some of this is beginning to improve, principally through La Strada efforts – use e.g. of Greece.
- Unemployment, which is suffered disproportionately by women, constitutes the most powerful push factor.
- The low status suffered by women contributes to the trafficking problem. Gender discrimination and sexual harassment on the job seem pervasive.
- Common sense dictates that domestic violence, which is a serious problem in the Ukraine, constitutes a push factor, but we do not know how to weight its importance in comparison to other push and pull factors.
- The conditions of life in the West, as displayed in the media, constitute an important pull factor for young women.
- Recruitment channels vary, from media advertisements to friends and neighbors. Data suggest the importance of informal recruitment channels.

- Recruitment tactics are shifting a bit with growing awareness.
- The age range targeted by traffickers may be declining. The team heard of girls as young as 12 being trafficked.
- Girls in orphanages and towns with high parental absentee rates may be particularly vulnerable to trafficking
- Some incidence of trafficking for domestic servitude exists. This may be on the rise.
- Internal trafficking for prostitution does exist – principally we think to the Crimea and Odessa in the summer months. Internal prostitution may bring young women in contact with traffickers and may tend to lower the barriers to seeking similar work abroad.
- We do not know how many returned victims there are. High cost of returned victim services.
 - La Strada contact with 122 in 8 months in a recent period.
- Current anti-trafficking programs at the oblast level seem to have the same mix of ingredients, albeit with different levels of funding, despite possible differences in the mix of push and pull factors.
 - In Crimea, drugs and internal prostitution may be factors, in Dniepropetrovsk, unemployment may be more compelling. In some areas like Crimea big organized crime may be more prevalent; in others mom-and-pop efforts may dominate.
- Considerable public information has been undertaken but it has been erratic. For example, only one TV film has been shown in the last year and PSAs have dropped off. Regional-level outreach continues and is important but funding limitations mean that there are serious limits on coverage.
 - The mix of messages and coordination between different groups is important to consider so scarce resources aren't wasted.
- Inadequate evidence exists on the results of retraining programs. Some "graduates" clearly do find jobs after the training but the true dimensions are unknown. This makes it difficult to plan future courses. Many retraining programs are very short – from two days for developing your own business to 15-20 hours for computer training.
 - Some anecdotal evidence that some of these women are getting jobs but this isn't good enough, especially for USG funded programs.
- La Strada plays a key role in rescuing victims, developing collaborative channels with law

enforcement and the Ministry of Foreign Affairs and in developing effective ant-trafficking strategies. And in developing relationships with foreign women's NGOs, who then help get victims back, provide services to victims and can press their own governments to be helpful.

Recommended Strategy Priorities:

- The mission should help improve the availability of data so that prevention strategies can be better targeted. Setting up systems which would improve the flow of data between receiving countries and the Ukraine may be an important first step toward better collaboration in investigations. Data also need to be collected inside Ukraine to learn more about the demographics of women who are trafficked. Probably a limit to what the USG can do to improve cooperation between European countries and Ukraine in this matter, or Turkey and Ukraine – use of good offices vis-à-vis Israel could be helpful.
- Oblast or regional prevention plans should be developed. These should take into account the specific factors driving trafficking in that area. Regionally-tailored.
- The team believes that it is important to target principally (but not necessarily exclusively) a younger age group in prevention efforts (early teens to 25). This group is more likely to be struck by the glamour of the West and more likely to fall prey to false enticements through naivete. Targeting this group in information campaigns, leadership training and job skills training skills is important. To date, target group has been defined as 15 to 45 – too broad a group with very diverse needs and requirements.
- Best strategy to keep girls in school longer – unfortunately structural problems with a weak education system not geared to market demand.
- Mass media channels need to be used to convey information on a continual basis. Regional channels should be used as well as national. Face to face contact is also important, so workshops held at schools, clubs and other sites play a significant role in providing information. Shorter messages, played more frequently, may make more sense than longer dramatizations, which often cannot be given adequate air time because the costs of buying the time are prohibitive. Continued info sharing one of most effective and cheap strategies. More messages to younger levels, through channels that appeal to the young – discos, MTV clips. Seasonal blitz. Updated strategies due to changes in recruitment tactics Probably inadequate by itself.
- Hotlines provide a key service in giving young women a place to take their questions, once they have heard a PSA. There may be a particular need for them in rural areas. Funding for La Strada one important.
- Job search and job skills training are vitally important but no one knows the success rates of the various programs in place. Some additional research should be undertaken to ascertain

the proportion of "graduates" actually finding jobs.

- Band-aid – can never serve a large number of beneficiaries. Requires structural reform of the economy and an economy that generates jobs. Cannot make sustainable – will continue to require outside funds, although many groups do such training on a shoestring.
- Microenterprise training is probably most suitable for a somewhat older audience of women than our recommended target group. The team would like to suggest a harder look at what might work for women living in rural areas, where jobs are scarce.
- Integration with other mission programs – i.e., Kharkiv Regional Initiative, NewBizNet, planned agriculture project
- There is growing interest in Ukrainian civil society in assisting the victims of domestic violence. While the team agrees with the generally-held view that domestic violence constitutes a push factor for trafficking, we do not know the proportion of trafficked women who come from violent families. In the absence of that knowledge, we have reservations about the expenditure of scarce trafficking funds on domestic violence activities.
- Issue of services for returned victims – costs could be prohibitive. Shelters a serious problem; safe home networks or a couple of apartments through La Strada. Did not recommend a higher level because no one seeing many returned victims. Services in waiting. Maybe better to spend money on prevention because resources are scarce. More connections through gyn/ob health care professionals.
- The team found that the Ukrainian NGO La Strada plays a key role in combating trafficking. We believe that many of the NGO's activities are vital. We recommend mission support for La Strada. Through Winrock, this is beginning to happen. Expand training for and links to consular service. Also foreign women's NGOS and government officials.

EXECUTIVE SUMMARY

In late 1997, USAID/Ukraine developed a strategy for combating the trafficking of woman, a phenomenon that was on the rise in the Ukraine. Implementation of portions of that strategy began in 1998. Due in part to increased interest on the part of the government in tackling trafficking, the mission decided to undertake a review of its strategy in October 1999. At the same time, the mission requested assistance with the design of the protection component called for in the original strategy but not at that point fully specified. The Program Office recruited a team consisting of MSI consultants, a WID office gender specialist and a Department of Justice prosecutor to assist with both tasks. The team reviewed the strategy, found it largely appropriate but recommended some shifts in emphasis. The suggested changes do not represent a radical departure from the mission's existing program. The team also designed a protection component, meant to improve the law and to strengthen its application and enforcement.

In reviewing the situation vis-à-vis trafficking, the team found that data are lacking. It is impossible to determine how many women are trafficked, what proportion of the trafficking is done by large organized crime groups, and how many victims make their way home to the Ukraine. The team collected significant anecdotal information about sending oblasts and receiving countries and about some of the channels used to traffick women.

The team found many heartening signs of progress in the battle against trafficking. Government commitment is growing, and several important steps have been taken to address both prevention and protection. Many women's NGOs are active, and more are being formed every day. While they operate with very little revenue and a largely volunteer labor force, they are providing important services that are needed if trafficking is to be reduced. There are many indications that government agencies and NGOs are collaborating. More information about the risks of trafficking is available, and more hotlines providing direct advice are operating across the country. One NGO, La Strada, has formed close links with women's NGOs in the receiving countries. Those relationships are beginning to bear fruit through the provision of help to Ukrainian victims. Some returning victims are filing criminal complaints and investigations are underway. There are more cases than there were a year or two ago.

Still, there are significant hurdles to cross if traffickers are to be defeated. The economy is weak and cannot generate adequate jobs for the at-risk population. Social safety net assistance is minimal due to the lack of government resources. Higher education also costs money that some young women do not have, so they drop out too soon. The education system is not linked to market demand, so many young women do not complete school with skills and knowledge required in the market place. Supplementary skills training can and is being provided but the numbers of beneficiaries are very small. The low status held by women contributes to the trafficking problem. Gender discrimination and sexual harassment on the job seem pervasive. Rising levels of domestic violence are the natural consequence of high levels of unemployment and the alcoholism that often comes in unemployment's train. Mass media glamorize the West and show life-styles to which young women aspire. All these constitute powerful "push" and "pull" factors, inclining young women to accept dubious offers of work abroad. The team believes that the mix of push

and pull factors may vary from one oblast to another and that more knowledge about these dynamics is needed to develop regionally-appropriate strategies.

There is little information about what happens to returned victims. The only NGO to have much contact with returned victims is La Strada, which has seen 122 victims in the last eight months. Services established at least partially for victims seem to be used more for those locked into abusive domestic relationships.

Increasing the number of prosecutions and convictions in any significant way will be difficult. International cooperation with the main receiving countries is scant. Receiving countries often deport foreign prostitutes without conducting any kind of an investigation. Ukrainian women generally leave the Ukraine legally – the more obvious elements of the crime take place in other countries, where victims may be issued new, false documents and may be bought and sold from one brothel owner to another. Much more help is needed from the receiving countries, particularly those in the west that have more sophisticated criminal investigation capabilities. Ukrainian government officials involved in investigating organized crime uniformly note that they need more help in tracking down gangs operating internationally.

Prosecution is also hampered because many victims do not want to testify. They are legitimately frightened of the traffickers, and they do not trust the government to keep them safe. They want only to put their trauma behind them. Few services are available to help them heal physically, emotionally and financially. The government cannot guarantee their safety and does not have the funds for expensive witness protection programs. In addition, organized crime penetration of the legal system and widespread lack of knowledge of the law and of trafficking as a problem on the part of judges and law enforcers may hamper progress. The latter is easier to address than the former – many NGOs are currently involved in conducting awareness-raising workshops with the police, prosecutors and judges.

While hard data about trafficked women are not available, the team believes that those women most at risk are those between 15 and 25. There is some evidence that suggests that a preference is growing for young girls and that a rising number of prostitutes are in the 12 – 15 year old age range. We do not know whether rural, small town or urban women are most at risk of being trafficked. A recent IOM study suggests that young women are most likely to be trafficked if they have weak family ties, are unemployed or working in an unskilled or low-skilled job. Polish data, which may or may not be relevant to Ukraine, suggest that young women from small towns and rural areas are the most likely to be victimized.

1. Strategy Review

The team recommends the following strategy priorities:

- The mission should help improve the availability of data so that prevention strategies can be better targeted. Setting up systems which would improve the flow of data between receiving countries and the Ukraine may be an important first step toward better collaboration in investigations. Data

also need to be collected inside Ukraine to learn more about the demographics of women who are trafficked.

- Oblast or regional prevention plans should be developed. These should take into account the specific factors driving trafficking in that area.
- The team believes that it is important to target principally (but not necessarily exclusively) a younger age group in prevention efforts (early teens to 25). This group is more likely to be struck by the glamour of the West and more likely to fall prey to false enticements through naivete. Targeting this group in information campaigns, leadership training and job skills training skills is important.
- Mass media channels need to be used to convey information on a continual basis. Regional channels should be used as well as national. Face to face contact is also important, so workshops held at schools, clubs and other sites play a significant role in providing information. Shorter messages, played more frequently, may make more sense than longer dramatizations, which often cannot be given adequate air time because the costs of buying the time are prohibitive.
- Hotlines provide a key service in giving young women a place to take their questions, once they have heard a PSA. There may be a particular need for them in rural areas.
- Job search and job skills training are vitally important but no one knows the success rates of the various programs in place. Some additional research should be undertaken to ascertain the proportion of "graduates" actually finding jobs. This research might provide very useful information for developing or adapting skills training programs.
- Microenterprise training is probably most suitable for a somewhat older audience of women than our recommended target group. It is not a panacea for the lack of opportunities in rural areas. The team would like to suggest a harder look at what might work for women living in rural areas, where jobs are scarce.
- There is growing interest in assisting the victims of domestic violence. Services (legal, medical, psychological, economic) are beginning to be available. While the team agrees with the generally-held view that domestic violence constitutes a push factor for trafficking, we do not know the proportion of trafficked women who come from violent families. In the absence of that knowledge, we have reservations about the expenditure of scarce trafficking funds on domestic violence activities. USAID does have separate funding available to it to address domestic violence in this region, and we believe that those funds should be used for domestic violence activities, permitting limited trafficking moneys to be devoted to interventions that will have a more direct impact on trafficking.
- The team found that the Ukrainian NGO La Strada plays a key role in combating trafficking. We believe that many of the NGO's activities are vital. We recommend mission support for La Strada to help it fill its role better. Since a direct grant is unlikely, setting aside a portion of funds under

the next CA might make most sense. La Strada interventions which would be worth funding include the development of relations with receiving countries' women's groups, the development of working relationships with Ukrainian and foreign consular officials, the development of school curriculum, advocacy vis-à-vis the legal and regulatory framework, the hotline (the largest in the country) and the provision of public information, and services for returned victims.

2. Improving Protection – Design of a Legal Component

In thinking through possible objectives for the legal component, the team hoped to come up with a design which would strengthen the legal framework (thereby improving the protection of victims and potential victims as well as easing the prosecution of traffickers), establish an environment in which victims would be willing to come forward to file a criminal complaint, improve the ability of law enforcement to investigate cases, and strengthen the ability of the judiciary to apply the law. These are important objectives and worth pursuing but resources are slender and the difficulties considerable. We believe that USAID can assist in strengthening the legal and regulatory framework. It can also increase the knowledge of judges of Ukrainian law and international treaties which can be used to safeguard the rights of victims. With INL and DOJ cooperation, the capabilities of law enforcement vis-à-vis trafficking and organized crime can and is being strengthened. USAID can also help hold the government's feet to the fire by supporting NGOs and the media in tracking legal cases as they develop and in developing closer relationships with law enforcement.

The main elements of the legal component design are as follows:

- Improvement in the legal, policy and regulatory framework

While statute 124 establishes a good basis for prosecuting traffickers, it may be deficient in some respects. Revisions may be needed but it may make most sense to approach those after a year or two, when experience in prosecuting several cases will provide a better sense of what changes are really required. A new draft criminal code is also being considered by the Rada. Language in this needs to be consistent with Statute 124 and should also include other provisions which would ease the prosecution of traffickers, such as compensation for victims from confiscated assets, plea bargaining and restraining orders.

USAID would fund the translation of relevant international treaties such as CEDAW into Ukrainian. These treaties, once ratified, have the force of law but have not been officially translated. Therefore, they are unavailable to prosecutors and judges.

Other potential areas of reform include commercial advertising or "truth in advertising" laws, the regulations for missing person searches, and the registration requirements for companies providing jobs abroad or advice about jobs abroad.

Two approaches are recommended for improving the legal and regulatory framework: 1) the provision of expert TA, including exposure to successful models from elsewhere; and 2) funding for civil society groups to analyze the law and formulate and advocate for improvements.

- The development of a legal case database

Both the government and its citizens need to be able to figure out what is happening with those legal cases being pursued. Are there too few cases, are they not pursued vigorously enough, is evidence difficult to gather, is there adequate collaboration from the receiving countries involved, do important cases not make it to trial, do judges routinely convict and then award suspended sentences, etc.? Such information will allow donors and the government to take remedial action. A database should be established, probably in the Ministry of the Interior or the Ombudswoman's office, and details on trafficking cases should be required from rayon and oblast level courts, the militia and the procuracy. Some of the information should be available to the media and the general public, as well as to NGOs working on trafficking.

- Systems for investigating, prosecuting and adjudicating trafficking cases should be improved in target oblasts.

Funding does not exist for achieving country-wide improvements, so the team recommends a narrower geographic focus on one, two or three oblasts. Within the pilot oblasts, INL, DOJ and USAID would work to strengthen skills and improve systems. Victim services would also be strengthened, via the current CA for trafficking, and links between law enforcement and NGOs tightened. The team would expect to see more cases being more thoroughly investigated, more skillfully prosecuted and more fairly adjudicated. The number of oblasts selected would depend on the implementing mechanism used. Because funding is so limited, the team examined existing implementation mechanisms and laid out a series of trade-offs with respect to each. Those considered included:

- 1) folding the legal component into the larger rule of law program planned by the DG team;
- 2) including the legal design in the new RFA for a follow on to the Winrock-implemented program;
- 3) writing a task order for one of the DG Center's rule of law IQCs or drawing on one of their rule of law cooperative agreements; and
- 4) writing a separate RFA or RFP.

These are listed in descending order of preference.

- Provision of improved information to judges

It is not possible to train all 6000 judges. Therefore, judicial benchbooks on trafficking would be prepared. These would include relevant Ukrainian law as well as appropriate sections of international treaties. Suggestions would be given for the application of these laws. Benchbooks would be distributed at minimum one for every rayon court, but in the main sending oblasts, the team recommends providing a copy to every judge who hears criminal cases. These benchbooks could be updated as legislation changes.

- Provision of grants to NGOs and other institutions (i.e., law school clinics) to work with law enforcers and judges

The team found during its information gathering that several NGOs provide awareness training on trafficking and domestic violence issues to the militia and the procuracy. The team recommends the provision of small grants to such groups to continue with this kind of training. The training has two advantages: 1) it changes attitudes and increases understanding in key law enforcement personnel about the problem of trafficking; and 2) it helps develop closer relations between law enforcement and the NGOs working on trafficking. In addition, it is probably the most effective way to reach more remote rural law enforcement personnel.

August 25, 2000

TO: Ambassador Sherman

FROM: Theresa Loar and Anita Botti *BT*

SUBJECT: Draft Paper re. Trafficking Task Force
(per pending legislation)

Thank you in advance for reviewing the draft Executive Order/Directive concerning the creation of a Trafficking Task Force and supporting office as reflected in language of H.R. 3244 ("Trafficking Victims Protection Act of 2000") -- passed by the House and the Senate and now in conference.

In addition to the draft, we have attached the section of H.R. 3244 (side by side) dealing with the creation of a Trafficking Task Force and an office.

As you know, we have carried out a number of the Task Force activities proposed in the pending legislation. If trafficking legislation becomes a reality, we should be ahead of the game! With that in mind, we have tried to reflect the structure we think necessary to implement the Task Force. Your thoughts are most welcome --- and critical before we go further.

Service - NO

8/21/00

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DRAFT**INTERAGENCY TASK FORCE TO MONITOR AND COMBAT
TRAFFICKING****[Latest Draft: 7/00(8/00)]****Executive Order No. ____ (OR DIRECTIVE/ASSUMING LEGISLATION)****Subject: Combating Trafficking in Persons, Predominately
Women and Children**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to institutionalize policies and initiatives within the Executive Branch to combat trafficking of persons and to protect trafficking victims, it is hereby ordered/directed as follows:

Section. 1. PURPOSE

This executive order/directive: (a) expands implementation of an aggressive national strategic policy framework to eradicate the global problem of trafficking in persons; (b) formalizes an Executive branch institutional structure grounded in interagency cooperation to ensure that trafficking's cross-cutting issues are addressed in a coordinated and coherent manner; (c) broadens the United States domestic and international response to combating trafficking in persons as a national policy priority; and (d) recognizes the critical role of non-governmental organizations in the success of anti-trafficking initiatives.

**Sec. 2. NATIONAL STRATEGIC FRAMEWORK FOR ANTI-TRAFFICKING
INITIATIVES**

a) Strategy. The strategic policy framework for Executive activities to combat trafficking has three interrelated components:

- 1) Prevention of Trafficking (including both development of economic opportunities for potential victims of trafficking and public awareness initiatives);
- 2) Protection and Assistance for Trafficking Victims (including domestic and international measures); and
- 3) Prosecution of and Enforcement Against Traffickers.

Sec. 3. Institutionalizing the Fight Against Trafficking - The Interagency Task Force to Monitor and Combat Trafficking.

(a) Establishment. **Interagency Task Force to Monitor and Combat Trafficking** ("Task Force"). There is established a Task Force to advise the President on progress in Executive branch efforts to combat trafficking in persons. The Task Force shall comprise but not limited to the: Secretary of State; Attorney General; Secretary of Labor; Secretary of Health and Human Services; Director, Central Intelligence Agency; Administrator/Director of the Agency for International Development; Assistant to the President for National Security Affairs; Assistant to the President for Domestic Policy; and other heads of executive departments as may be designated by the President.

(b) Chair. The Secretary of State shall serve as chair to ensure comprehensive and integrated domestic and international coordination of trafficking policy, data, programs, training and budgets of the Executive branch to combat trafficking in persons worldwide.

(c) Activities. The activities of the Task Force shall include, but not be limited to, the following:

(1) Institutionalize Interagency Processes. The Task Force shall expand interagency procedures, through all appropriate mechanisms, to ensure progress of and domestic and international leadership in all aspects of the national strategic framework in Section 2, supra.

(2) Legislation Implementation. The Task Force shall be the principal coordinating body for advancing the Administration's implementation of anti-trafficking legislation. A comprehensive policy and program review will ensure that each of the Executive branch departments represented on the Task Force is coordinating its policies, programs, training, data, and resources to be consistent with efforts to combat trafficking.

(3) Increasing Understanding of Trafficking. The Task Force shall strengthen and expand efforts to organize and coordinate the gathering and information-sharing of intelligence, investigation and enforcement information tailored specifically to trafficking of persons. Research and data collection procedures established shall respect the confidentiality and the need for appropriate protection of trafficking victims.

(4) Fostering International Cooperation. The Task Force shall seek to increase efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless trafficking victims.

(5) Training. Create and strengthen training strategies and methodologies to prevent trafficking in persons for law enforcement, immigration and other relevant officials. Training should focus on specific techniques used in preventing such trafficking, prosecuting the traffickers and protecting victims' rights, including protecting victims from further exploitation by the traffickers, and should promote cooperation with non-government organizations.

(6) Demand Factors. Examine the role of economic and other contributing factors that facilitate growth of trafficking, (including the international "sex tourism" industry).

(7) Goals and Measurable Results. The Task Force shall endeavor to ensure that the nation's strategic policy framework is pursued by Executive departments and agencies in a manner designed to establish reasonable goals for progress and mechanisms to produce measurable results to the extent practicable. (Baseline figures shall be established utilizing existing and new mechanisms, as necessary, including inclusion of trafficking in the FBI's Uniform Crime Report).

(d) Enhanced Attention Within Departments. Members of the Task Force shall make the activities and initiatives set forth in this Order/directive and advancement of the strategic framework a high priority within their respective agencies.

(e) Working with Non-Governmental Organizations. The Task Force shall seek the views and expertise of NGOs and shall work with NGOs to the maximum extent possible.

Sec. 4. Establishment of an Office to Monitor and Combat Trafficking.

- Establishment. The Secretary of State shall establish within the Department of State an Office to Monitor and Combat Trafficking ("Trafficking Office") [as stated in the legislation] as the principal interagency forum to develop, coordinate, and support the Task Force's international and domestic policy on this issue.
- The Office to Monitor and Combat Trafficking shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the task as designated by the Executive and Legislative Branch.
- To ensure comprehensive support in assisting the Secretary of State, the Trafficking Office will retain staff from each of the Executive branch departments represented on the Task Force. The Department of State will provide, at a minimum, the Director, a staff assistant, and an executive secretary and a minimum of two foreign service officers and two civil service officers to supplement Department of State activities as necessary. Depending upon the personnel required to meet the needs of the Task Force, each department represented shall nominate at least one and not more than two full-time mid-level or senior policy staff members to the Trafficking Office for terms of at least two years on a non-reimbursable basis. The Director shall consider and approve nominated staff prior to assignment.
- In order to augment the expertise of the Trafficking Office, the Department of State may, at the Office's request, contract for the services of non-governmental consultants who may prepare analyses, reports, background papers, and other materials for consideration by the Office. In addition, at the Office's request, Executive departments and agencies shall request that existing Federal advisory committees consider and provide advice on issues of trafficking of persons, to the extent permitted by law.

- Administration, (1) The Trafficking Office shall report to the Secretary of State. The Secretary's Office of the Executive Director shall provide administrative and operational support for major activities of the Trafficking Office. (2) All executive departments and agencies shall cooperate and coordinate with the Council and provide such assistance, information and advice to the Task Force as it may request, to the extent permitted by law.

- Funding, To the extent permitted by law, and subject to the availability of appropriations, the Department of State shall provide the Trafficking Office with administrative services, travel, other support services, and such funds as may be necessary for the performance of its functions in support of the Task Force.

- Policy and Program Review, The Trafficking Office will, at a minimum, conduct quarterly reviews with all Executive branch departments represented on the Task Force to ensure that the policies and program resources are coordinated and consistent with the mandates set forth by the Task Force.

- The Trafficking Office may hold open and closed hearings, conduct inquiries, and establish subcommittees as necessary (per the legislation).

- The Council shall carry out its activities with appropriate consultation of non-governmental organizations.

Sec. 6. Agency Responsibilities. All Executive departments and agencies shall review their policies, programs, training, and resources to ensure that they are being conducted and coordinated in a manner that promotes the strategic and policy framework of Sec. 1 & 3, supra.

Sec. 7. Interim Coordinating Mechanism.

Until the Task Force and Trafficking Office are operational, authority to coordinate the Administration's anti-trafficking efforts shall continue in the President's Interagency Council on Women.

CRS-19

H.R. 3244 as passed by the House	H.R. 3244 as passed by the Senate	Conference
SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBATTRAFFICKING. (a) ESTABLISHMENT- The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this section referred to as the 'Task Force'). (b) APPOINTMENT- The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Director of the Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of the Central Intelligence Agency, and such other officials as may be designated by the President. (c) CHAIRMAN- The Task Force shall be chaired by the Secretary of State. (d) SUPPORT FOR THE TASK FORCE- The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be administered by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental and intergovernmental organizations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.	SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBATTRAFFICKING. (a) ESTABLISHMENT- The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this Act referred to as the 'Task Force'). (b) APPOINTMENT- The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President. (c) CHAIRMAN- The Task Force shall be chaired by the Secretary of State. (d) SUPPORT FOR THE TASK FORCE- The Secretary of State is authorized to establish within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may have additional responsibilities as determined by the Secretary. The Director shall consult with domestic, international nongovernmental organizations, and multilateral organizations, including the Organization of American States, the Organization for Security and Cooperation in Europe, and the United Nations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.	

CRS-20

H.R. 3244 as passed by the House	H.R. 3244 as passed by the Senate	Conference
(e) ACTIVITIES OF THE TASK FORCE- In consultation with nongovernmental organizations, the Task Force shall carry out the following activities: (1) Coordinate the implementation of this Act. (2) Measure and evaluate progress of the United States and countries around the world in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. (3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking. (4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking. (5) Examine the role of the international 'sex tourism' industry in the trafficking of women and children and in the sexual exploitation of women and children around the world and make recommendations on appropriate measures to combat this industry. <i>(No equivalent in House Version)</i>	(e) ACTIVITIES OF THE TASK FORCE- In consultation with nongovernmental organizations, the Task Force shall carry out the following activities: (1) Coordinate the implementation of this Act. (2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection and assistance to victims of trafficking, and prosecution and enforcement against traffickers, including the role of public corruption in facilitating trafficking. Beginning in 2002, not later than June 1 of each year, identify and publish the names of those countries which do not meet the minimum standards set forth in section 8. (3) Expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking. Any data collection procedures established under this subsection shall respect the confidentiality of victims of trafficking. (4) Engage in efforts to facilitate cooperation among countries of origin, transit, and destination. Such efforts shall aim to strengthen local and regional capacities to prevent trafficking, prosecute traffickers and assist trafficking victims, and shall include initiatives to enhance cooperative efforts between destination countries and countries of origin and assist in the appropriate reintegration of stateless victims of trafficking. (5) Examine the role of the international 'sex tourism' industry in the trafficking of persons and in the sexual exploitation of women and children around the world. (6) Engage in advocacy, with	

CRS-21

H.R. 3244 as passed by the House	H.R. 3244 as passed by the Senate	Conference
<i>(No equivalent in House Version- Interim reports are addressed in Sec.10)</i>	organizations, among other entities, to advance the purposes of this Act. (f) INTERIM REPORTS- In addition to the list provided under subsection (e)(2), the Secretary of State, in the capacity as chair of the Interagency Task Force, may submit to the appropriate congressional committees one or more interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.	

* ATTENTION WENDY SHERMAN: Could you make sure this reaches the Secretary while travelling? Thank you.

Gloria Steinem

2000/738128

first of nine pages: 9/29/00

To: Secretary of State Madeleine Albright, fax 202-647-1533*
From: Gloria Steinem, fax 212-988-2295

I want to thank you for taking time to see us yesterday. It proves how crucial it is that you, who look at the world as if women mattered, are in such a position. You inspire everyone trying to be useful to the cause of women's rights as human rights.

However, I fear that we were overwhelmed by the importance of seeing you, and by hearing the different viewpoint of those advising you from within. Since we are only useful to you if we are clear and frank, I want to underline that:

1) We and the national and international women's groups in our coalition believe that the language we are advocating--the addition of the word "inducement," plus the bracketed phrase about "consent" in the definition of trafficking--is more politically possible than is retreating to a narrower definition. In fact, 18 countries spoke in favor of adding "inducement," with only 9 speaking against; 32 countries spoke in favor of the bracketed "consent" language, with only 13 against. This was despite the U.S. lobbying against the first, and its ambivalent support on the second.

2) We believe that compromising on the definition of trafficking is a more dangerous than compromise on benefits to those trafficked. After all, the first is permanent, while the second can be increased. In addition, the narrowed definition could exclude not just one-in-ten, as referred to in our meeting, but half or more of all trafficked women.

3) I am attaching a U.S. example of the fact that any focus on having to prove or disprove the "consent" of those trafficked--as opposed to focussing on the crimes of the traffickers--makes prosecution more difficult, not less. Often, it slows or halts prosecutors' action.

4) Our viewpoint is neither that of the anti-equality rightwing that would punish prostitutes, nor the non-feminist human rights groups that would treat trafficking as "facilitated migration." This is the populist, feminist, international center that wishes to protect the individual's right to decide the use of her (or his) body, and the right to be free of traffickers who exploit and dictate such use by force or inducement.

I hope you will tell me what I or any other members of this coalition can do to be helpful. Our hearts and futures go with you.

with friendship,

Gloria Steinem



**Trafficking in Persons,
Especially Women & Children**
The President's Interagency Council on Women

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT
(H.R. 3244)
OVERVIEW OF KEY ANTI-TRAFFICKING PROVISIONS

This first-ever comprehensive U.S. legislation to combat trafficking in persons adopts and strengthens the Administration's strategic framework of 1) protection for trafficking victims; 2) prosecution of and enforcement against traffickers; and 3) prevention of trafficking. It provides new tools that will strengthen our efforts to put traffickers behind bars and help trafficking victims put their lives back together.

PRESIDENT'S INTERAGENCY ANTI-TRAFFICKING TASK FORCE --

Institutionalizes mechanisms to fight trafficking. The President is required to establish a Cabinet-level task force, chaired by the Secretary of State. The task force includes the Attorney General, the Secretaries of Labor, and Health and Human Services, the Director of Central Intelligence and other officials designated by the President. The Secretary of State is authorized to establish an office to support the work of the interagency task force. This includes coordination of interagency implementation of the domestic and international protection and enforcement provisions of the new law.

Funding Authorized for Task Force -- \$1.5 million for FY 2001 and \$3 million for FY 2002.

PREVENTION -- Requires the President to establish international programs and initiatives to prevent trafficking through economic opportunity and public awareness programs. The Attorney General, Secretaries of State, Health and Human Services and Labor are responsible for carrying out public awareness programs.

Reporting -- To increase understanding of the phenomena of trafficking and country efforts to combat it, the legislation requires:

- Specific detailed reporting on trafficking to be included in the Annual Country Reports on Human Rights Practices, including assessment of country progress in combating trafficking.
- Inclusion of reporting on trafficking for countries receiving security assistance in the report required by Section 502B of the Foreign Assistance Act of 1961 (22 USC 2304).

Funding Authorized – “Such sums as may be necessary” to include required information in the annual Country Reports on Human Rights Practices.

PROTECTION & ASSISTANCE – Establishes domestic and international protection and assistance mechanisms and initiatives, including:

Assistance for Victims in Other Countries – Requires the Department of State and AID to establish programs and initiatives in foreign countries to assist in safe integration, reintegration or resettlement of victims of trafficking.

T-Visa – Makes trafficking victims in the United States eligible for temporary residency (up to 5,000 visas) so that they can remain in the United States 1) to receive needed protection and assistance and 2) to help law enforcement with investigation and prosecution of traffickers. Spouses, sons and daughters, or parents may be granted visas in some circumstances also. Visas may be adjusted to permanent resident status after 3 years.

Eligibility For Assistance – Provides eligibility to trafficking victims for a broad range of benefits and services despite undocumented status.

Grant Programs – Authorizes Department of Justice to make grants for victims service programs for victims of trafficking.

Trafficking Protection Procedures -- Requires the Attorney General and Secretary of State to promulgate regulations (within 180 days) to implement the following measures pertaining to protection of trafficking victims:

- Assistance and safety while in custody. Assistance includes shelter (“shall not be detained in facilities inappropriate to their status as crime victims”); medical care and other assistance; and steps to provide for the safety of victims and their family members.
- Access to information about rights – Victims of trafficking shall have access to information about their rights and translations services.
- Assessment and protection – Federal law enforcement shall make an assessment of whether an individual is a trafficking victim and, if so, may permit an undocumented

individual's continued presence in the U.S. to take measures to protect the trafficked person and their families and to effectuate prosecutions.

- Training -- Training in identifying and providing protection for trafficking victims is required for appropriate personnel of the Departments of State and Justice.

Funding Authorized for Victim Protection and Assistance --

- Department of State -- \$5 million in FY 2001 and \$10 million in FY 2002
- Department of Justice -- \$5 million in FY 2001 and \$10 million in FY 2002
- Department of Health and Human Services -- \$5 million in FY 2001 and \$10 million in FY 2002
- Department of Labor -- \$5 million in FY 2001 and \$10 million in FY 2002.

PROSECUTION

Criminalization of Trafficking -- Establishes a new crime of "Trafficking with respect to slavery, involuntary servitude, peonage or forced labor."

Sentences -- Increases sentences to up to 20 years, life under certain circumstances. Makes attempted violations of trafficking crimes punishable to the same extent as completed violations.

Sex Trafficking of Children or by Force, Fraud or Coercion -- Provides criminal penalties for sex trafficking of children or by force, fraud or coercion.

Mandatory Restitution -- In addition to any civil or criminal penalties, the Court shall order traffickers to pay the victim the full amount of the victim's losses.

Witness Protection -- Makes victims eligible for witness protection program.

Document Confiscation -- Establishes a new crime to punish traffickers when they confiscate the victim's passport and other documents to further their trafficking scheme.

Asset Forfeiture -- Upon conviction, traffickers forfeit their assets used or intended to be used to commit or facilitate the trafficking scheme and any property arising from the scheme.

ASSESSING INTERNATIONAL ANTI-TRAFFICKING PROGRESS AND ACTIONS AGAINST COUNTRIES AND TRAFFICKERS

Policy -- The legislation states that it is the policy of the US not to provide nonhumanitarian, nontrade-related foreign assistance to any government that does not comply with the minimum standards and is not making significant efforts to bring itself into compliance.

Minimum Standards -- The legislation establishes minimum standards applicable to countries of origin, transit and destination to eliminate trafficking.

Assistance to Countries -- The President is authorized to provide assistance to assist countries meet minimum standards.

Funding Authorized -- \$5 million in FY 2001 and \$10 million in FY 2002 to help countries meet minimum standards.

Country Assessment & Report—The Secretary of State shall submit an annual report to Congress listing:

- 1) countries which fully comply with standards;
- 2) countries which do not fully comply but are making significant efforts to bring themselves into compliance; and
- 3) countries which do not fully comply with standards and are not making significant efforts to bring themselves into compliance.

“Significant efforts” include consideration of what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

Presidential Notification of Actions Against Countries

Beginning in 2003, the President must notify Congress that the United States will impose sanctions upon non-complying countries or waive sanctions in the national interest or when necessary to avoid significant adverse effects on vulnerable populations.

Actions Against Traffickers

The legislation authorizes sanctions against significant traffickers in persons.

Other Funding

Department of State -- \$300,000 in FY 2001 for voluntary contribution to OSCE to advance projects aimed at preventing trafficking, promoting respect for human rights of trafficking victims, and assisting the OSCE participating states in related legal reform.

STATEMENT BY THE PRESIDENT
OCTOBER 11, 2000

I congratulate the Congress on its bipartisan work to pass the Victims of Trafficking and Violence Protection Act of 2000, which contains legislation to combat trafficking in persons, especially women and children, as well as legislation to strengthen and reauthorize the Violence Against Women Act (VAWA). These initiatives have been important priorities of this Administration, and I look forward to signing them into law.

The Administration strongly supports this comprehensive anti-trafficking legislation as part of our vigorous campaign to combat trafficking in persons, a modern day form of slavery, and to punish the international criminal organizations that engage in it. Trafficking is one of the fastest-growing criminal enterprises in the world, ensnaring up to two million additional victims around the world each year, including 50,000 annually here in the United States. On March 11, 1998, I issued an Executive Memorandum directing the Administration to pursue a three-pronged strategy to combat this insidious human rights abuse. This strategy of prosecution of traffickers, providing protection and assistance for trafficking victims, and prevention of future trafficking has provided the framework for our work in this country and abroad. The legislation approved by Congress today will continue and strengthen this comprehensive strategic and policy framework, providing new tools to protect trafficking victims and punish traffickers. It will institutionalize our government's response, laying the groundwork for future administrations to carry this important work forward, and will ensure that trafficking of persons assumes the prominent place on the world's agenda that it deserves until we end this horrible practice.

I signed VAWA into law as part of my crime bill in 1994, and during the last six years, VAWA has made a crucial difference in the lives of hundreds of thousands of women and children. The Violence Against Women Act has enabled communities to expand prevention efforts, enhance the safety of more victims, and hold perpetrators of violence against women accountable for their acts. More needs to be done, however, when on average each year from 1993 through 1998, 22 percent of all female victims of violence were attacked by an intimate partner. The legislation approved by the Senate today will do more to help these women by reauthorizing critical VAWA grants programs; providing important protections for battered immigrant women; providing additional assistance to Indian tribes; reauthorizing the domestic violence hotline, and helping state and tribal courts improve interstate enforcement of protection orders. It is especially fitting that Congress passed this crucial legislation in the month designated as Domestic Violence Awareness Month.

Draft (10/4/2000)

TRAFFICKING VICTIMS PROTECTION ACT OF 2000
OVERVIEW OF SELECTED KEY ELEMENTS

This first-ever comprehensive U.S. legislation to combat trafficking in persons, especially women and children, adopts and strengthens the Administration's strategic framework of 1) protection for trafficking victims; 2) prosecution of and enforcement against traffickers; and 3) prevention of trafficking. It provides new tools that will strengthen our efforts to put traffickers behind bars and help trafficking victims put their lives back together.

INTERAGENCY TASK FORCE -- Institutionalizes mechanisms to fight trafficking. The President is required to establish Cabinet-level task force, chaired by the Secretary of State. The Secretary of State is authorized to establish an office to support the work of the task force and coordinate implementation of the legislation, among other responsibilities.

PREVENTION

Requires programs to prevent trafficking. It recognizes that prevention requires treatment of causal or contributing factors such as providing economic alternatives and public awareness.

Reporting --- to increase understanding of the phenomena of trafficking and country efforts to combat it, the legislation requires

- specific detailed reporting on trafficking to be included in the Annual Country Reports on Human Rights Practices, including assessment of country progress in combating trafficking. [Sec. 4]
- inclusion of reporting on trafficking for countries receiving security assistance in the report required by Section 502B of the Foreign Assistance Act of 1961 (22 USC 2304).
- Data and assessments in consultation with NGOs

PROTECTION & ASSISTANCE

Assistance for Victims in Other Countries – Requires the Department of State and AID to establish programs and initiatives in foreign countries to assist in safe integration, reintegration or resettlement of victims of trafficking.

T-Visa – provides eligibility for temporary residency for trafficking victims (up to 5,000) so that they can remain in the United States to receive needed protection and assistance and 2) to help law enforcement with investigation and prosecution of traffickers. Spouses, sons and daughters, or parents may be granted a visa also. Visas can be adjusted to permanent resident status after 3 years.

Eligibility For Assistance – For the first time, provides eligibility to victims of severe forms of trafficking for a broad range of benefits and services despite undocumented status.

Grant Programs – Subject to appropriations, authorizes Department of Justice to make grants for victims service programs for victims of trafficking.

Trafficking Protection Procedures -- Within 180 days, the AG and Secretary of State shall promulgate regulations pertaining to protection of victims of severe forms of trafficking to implement:

- Assistance while in custody. These include shelter (“shall not be detained in facilities inappropriate to their status as crime victims”); medical care and other assistance; and steps to provide for safety of victim and family members.
- Information about Rights – Victims of severe forms of trafficking shall have access to information about their rights and translations services.
- Assessment And Protection – Federal law enforcement shall make an assessment of whether an individual is a victim of a severe form of trafficking and, if so, may permit an undocumented individual’s continued presence in the U.S. to take measures to protect the trafficked person and their families and to effectuate prosecutions.
- Training -- Training in identifying and providing protection for victims of severe forms of trafficking is required for appropriate Department of State and Justice personnel.

Witness Protection -- Makes victims eligible for witness protection program.

PROSECUTION

Criminalization of Trafficking – Establishes a new crime of “Trafficking with respect to peonage, slavery, involuntary servitude or forced labor.”

Sentences – Up to 20 years, life under certain circumstances

Mandatory Restitution -- Establishes right to compensate for the full amount of the victim's losses.

Document Confiscation – Establishes new crime to punish traffickers when they confiscate the victim's passport and other documents to further their trafficking scheme.

Asset Forfeiture – Upon conviction, traffickers forfeit their assets used or intended to be used to commit or facilitate the trafficking scheme and any property arising from the scheme.

ACTIONS AGAINST COUNTRIES AND TRAFFICKERS (“Sanctions”)

Against Governments -- The legislation states that it is the policy of the US not to provide nonhumanitarian, nontrade-related foreign assistance to any government that does not comply with the minimum standards and is not making significant efforts to bring itself into compliance

Report—Secretary shall submit a report listing:

- 1) countries that fully comply with standards
- 2) countries which do not fully comply but are making significant efforts to bring themselves into compliance
- 3) Not fully comply with standards and are not making significant efforts to bring themselves into compliance.

Importantly, “significant efforts” include consideration of what measures are reasonable to bring the government into compliance with the minimum standards in light of the resources and capabilities of the government.

Beginning in [2003], the President must notify Congress that the United States will not provide nonhumanitarian, nontrade-related assistance

Or if receive no nonhumanitarian nontrade assistance will not provide funding for participation by officials. . p 58

Countries already sanctioned p.59

The President has waiver authority.

Against Traffickers p.62

The legislation authorizes sanctions against significant traffickers in persons.

The legislation establishes minimum standards applicable to countries of origin, transit and destination to eliminate trafficking.

POTUS authorized to provide assistance sec 9

FUNDING

Funding to DOJ

**Myths and Facts Q&As re: Protocol to Prevent, Suppress and Punish
Trafficking in Persons, Especially Women and Children
(Supplementing the United Nations Convention Against Transnational Organized
Crime)**

**QUESTION: SOME HAVE CHARGED THAT THE PROTOCOL CONDONES
PROSTITUTION AND THE DEPARTMENT'S NEGOTIATING POSITION IS
PRO-PROSTITUTION. IS THAT TRUE?**

ANSWER: That assertion is nonsense. It is a misrepresentation of the U.N. protocol and the Administration's position. Such misinformation threatens the success of this important international agreement to fight the modern-day slavery of trafficking.

**QUESTION: WHAT IS THE UNITED STATES POSITION ON
PROSTITUTION?**

ANSWER: The United States deplores the existence of prostitution and those who exploit it.

The U.S. has perhaps the most sweeping anti-prostitution laws in the world. Prostitution and crimes associated with prostitution are illegal in the United States (except for two counties in Nevada).

**QUESTION: WILL THE PROTOCOL WEAKEN U.S. LAWS OR
INTERNATIONAL LAWS AGAINST PROSTITUTION?**

ANSWER: Absolutely not. Nothing in the protocol requires or would cause any country to weaken laws on prostitution. The Secretary of State has stated that we will not support any agreement that would weaken laws against prostitution here or around the world. Moreover, the protocol language explicitly requires no change in earlier international laws.

**QUESTION: SPECIFICALLY, WON'T IT WEAKEN THE "1949
CONVENTION" (i.e. "Convention to Suppress the Traffic of Women and
Exploitation of the Prostitution of Others")**

ANSWER: The 1949 Convention has been rejected or ignored by most of the countries of the world as ineffective and flawed. Congress has not ratified it and the United States is not a party. Few countries have ratified it and the few that have are not implementing it.

One of the objectives of the current protocol is to obtain for the first time international consensus on a strong and effective agreement to fight trafficking. We need to ensure

that this protocol is not transformed into another ineffective document, like the inoperative 1949 Convention, to gather dust on the shelf.

QUESTION: WHY NOT ADOPT THE POSITION TO INCLUDE ALL PROSTITUTION IN THE DEFINITION OF TRAFFICKING?

ANSWER: The view (led by Equality Now) to include all prostitution in the trafficking protocol is a slippery slope toward decriminalization of prostitution in the United States and other countries.

This position is unacceptable. It is contrary to our laws (except part of Nevada) and is not a policy that we support. We don't believe that this position can obtain consensus in the negotiations or be ratified by Congress. We don't think State and local lawmakers support this position.

QUESTION: HOW DOES THE CRITICS' POSITION LEAD TOWARD DECRIMINALIZATION?

Those who criticize the U.S. position as not broad enough seek to use the Protocol to establish in the United States and internationally that as a matter of law that a person cannot under any circumstances consent to prostitution. This view leads to decriminalization. Prostitution would not be a crime for the woman (or a man) if, as a matter of law, she could never consent.

QUESTION: ANY OTHER REASONS FOR OPPOSING INCLUDING ALL PROSTITUTION IN THIS TRAFFICKING PROTOCOL?

ANSWER: Yes, there are over a million persons trafficked each year around the world. They are coerced or tricked into this modern-day slavery. These are the most severe cases of violence and exploitation and the world needs to mobilize now to stop it. Human rights NGOs are deeply concerned that victims of the worst cases will receive even less of already scarce resources if the pool of crime "victims" that countries are required to provide assistance and protection for is expanded to include all persons in prostitution.

This trafficking protocol is not the right instrument to accomplish the objective of providing far-reaching benefits to those in prostitution, regardless of the merits of that position. The trafficking protocol calls on countries to grant temporary/permanent residency, eligibility for federal assistance despite undocumented status, shelter, legal services, etc.

QUESTION: ISN'T THE U.S. ACQUIESCING TO A FEW EUROPEAN COUNTRIES WHO TOLERATE PROSTITUTION AGAINST THE WILL OF THE REST OF THE WORLD (ESPECIALLY POORER COUNTRIES WHERE MANY OF THESE WOMEN ARE FROM)?

ANSWER: This is inaccurate. The U.S. position is shared by the majority of the countries, including countries of origin, many of which are countries with fewer resources and economic opportunities. [At the last negotiating session, only one country blocked consensus to delete "inducement" from the definition of trafficking.]

QUESTION: BUT DOESN'T CONGRESS USE THE CRITICS' DEFINITION AS THE BASIS FOR THE TRAFFICKING LEGISLATION (NOW IN CONFERENCE)?

ANSWER: No. While the legislation includes a definition of sex trafficking that covers all commercial sex, Members of Congress declined to create additional law enforcement tools or provide protections or assistance for these individuals. Bottom line: Operational language in the legislation is applied only to trafficking when it involves coercion, force or fraud – in short, a definition like the one the US is advocating in the protocol.

QUESTION: WILL TRAFFICKERS ESCAPE PROSECUTION AS CRITIC'S ASSERT (THE 'LOOPHOLE' ASSERTION)?

ANSWER: It is not true that a whole group of "traffickers" will go free. There will be no loopholes. The Department of Justice's prosecutors who put traffickers behind bars reject this assertion.

First, many of these criminals will be covered and prosecuted by the related Protocol Against the Smuggling of Migrants, which would require serious penalties for smugglers, and increased penalties when the life or safety of the migrant is endangered. Currently, the U.S. aggressively enforces its immigration laws, as well as such laws as involuntary servitude and peonage, RICO, harboring for the purpose of prostitution, etc.

Second, the U.S. has introduced language in the Trafficking Protocol calling upon countries to prohibit anyone from transporting someone across an international boundary for the purpose of the exploitation of the prostitution.

QUESTION: CAN'T TRAFFICKERS ESCAPE PROSECUTION BY MANUFACTURING CONSENT AND DOESN'T IT MAKE IT HARDER TO PROVE A TRAFFICKING CASE IF IT FOCUSES ON THE VICTIMS' STATE OF MIND?

ANSWER: The Department of Justice rejects this assertion. It is factually wrong that traffickers can simply manufacture consent and courts will let them go or that these cases

turn only on the victims' subjective state of mind. Courts will review evidence of the totality of circumstances involving objective facts, which is often overwhelming, particularly because there are usually dozens of victims involved in each case. These include: restrictions upon the womens' liberty, confiscation of the womens' passports, debt bondage, control of activities, work or living conditions.

QUESTION: DOESN'T ECONOMIC DESPERATION CAUSE PROSTITUTION?

ANSWER: Severe economic pressures are very often, but not always, a factor in prostitution. However, that doesn't mean that we should adopt the position urged by our critics that as a matter of law, no individual could consent to prostitution under any circumstance which would lead toward decriminalization and be inconsistent with law enforcement objectives.

Instead, we should continue to enforce the laws against prostitution and to support programs and the work of nongovernment and faith-based organizations which seek to provide economic opportunities, shelters, drug rehabilitation services, mental health counseling and support networks.

QUESTION: DOES THE UNITED STATES PROPOSE TO TAKE ANY CONCRETE STEPS TO ADDRESS PROSTITUTION IN THIS PROTOCOL?

ANSWER: Yes. Because the U.S. opposes prostitution, even though it is not true that all forms of prostitution involve "trafficking", we have introduced language to combat international prostitution in the protocol. Our proposal would require all countries to prohibit the transport – under any and all circumstances – of persons across international borders for the purpose of the exploitation of prostitution.

QUESTIONS: WHY DON'T NGOs SUPPORT YOUR POSITION?

ANSWER: Many do, including prominent human rights organizations and groups who work directly with trafficking victims.

BACKGROUND:

QUESTION: WHAT IS THE PROTOCOL ABOUT?

ANSWER: During the first week in October in Vienna, the U.S. will participate in the final negotiation session for a UN protocol to combat trafficking in persons.

This protocol, originally proposed by the United States, calls for countries to criminalize trafficking (it is not a crime in most countries) and provides a broad framework for international cooperation to prosecute traffickers, prevent trafficking and protect trafficking victims. If successful, the protocol has the potential to be a significant international instrument to combat trafficking around the world.

QUESTION: IS THE UNITED STATES DOING ANYTHING ABOUT TRAFFICKING?

ANSWER: The Administration has an unprecedented record in fighting trafficking. No Administration has done more. We are working hard internationally, in partnership with foreign governments and NGOs, and domestically to eradicate this horrible practice that subjects men, women and children to modern-day slavery. The protocol is one part of the United States three-part strategy to 1) prosecute traffickers; 2) protect and assist trafficking victims; and 3) prevent trafficking in the first place.

QUESTION: WHAT IS THE TEXT OF THE DEFINITION UNDER NEGOTIATION?

ANSWER: The following is the text of the definition with the bracketed text indicating language remaining under negotiation:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by the threat or use of force, by abduction, by fraud, deception, **[inducement]**, coercion, the abuse of power, or by giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, **[irrespective of the consent of the person]**; exploitation shall include, at a minimum, [the exploitation of the prostitution of others or other forms of] sexual exploitation, forced labour or services, slavery or practices similar to slavery, [the removal of organs for illicit purposes] [or servitude].

Equality Now seeks negotiators to include "inducement" and "irrespective of consent of the person" in the definition. The U.S. opposes including "inducement" but has stated that it could support "irrespective of consent of the person" as consistent with U.S. law by interpreting it to mean that an individual cannot consent to exploitation resulting from coercion or fraud.



Voices of Hope...

Voices of Progress...

Voices of Women Around the World...



Vital Voices . . . Listen

**Emerging women leaders from around the world
gather at the State Department to tell foreign policymakers
how they are strengthening the political and economic lives of their countries**

On February 16, 2000 the U.S. Department of State will host a *Vital Voices* Global Roundtable which will bring together women leaders from around the world who are forging the way towards democracy in the areas of economics, politics, and human rights. Through their hopeful and courageous personal stories, the roundtable discussion will highlight the struggle and triumph women are faced with around the world as they work for political rights, economic prosperity and peace.

Vital Voices supports Secretary Albright's mandate to integrate issues affecting women into the mainstream of American foreign policy. <*Vital Voices* is an ongoing global initiative and a public-private partnership which highlights and supports the critical role that women play in developing full participatory democracies, increasing economic prosperity and strengthening political systems. *Vital Voices* is implemented through the active support and leadership of the First Lady to give citizens the skills, tools and resources they need to empower themselves, their countries and their communities. >

The roundtable discussion at the State Department is part of the *Vital Voices* Global Exchange Program which will bring alumnae of *Vital Voices* conferences from Latin America, Eastern Europe, Northern Ireland, the Baltics, and Russia together to share strategies on how they are taking ownership of the *Vital Voices* Initiative in their countries and moving forward to support women building democracy. These women will also be joined by women from Africa, Asia, South Asia and the Middle East to plan for future *Vital Voices* activities as part of a *Vital Voices* strategy retreat sponsored by the Stanley Foundation.

The program will provide participants with the opportunity to share, at the highest levels of the U.S. Government, their work and progress towards building civil and democratic societies. Participants will have the opportunity to exchange success strategies and forge new partnerships.

Regional *Vital Voices* conferences have successfully been held in Vienna, Austria; Montevideo, Uruguay; Belfast, Northern Ireland; and Reykjavik, Iceland. *Vital Voices* Regional and Global Roundtables have been convened in Palermo, Italy, Reykjavik, Iceland and Istanbul, Turkey.

If you wish to get more information, check out the *Vital Voices* website at <http://www.usia.gov/vitalvoices> or email us at vitalvoices@hotmail.com.

Write or call: Theresa Loar, Director of the *Vital Voices* Initiative
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1. Its statutorily-defined purpose is to support the work of a cabinet-level, interagency task force in implementing legislation that mandates many different agencies to act. No single agency can address the cross-cutting issues involved in combating trafficking.

2. Implementation of this act, as well as of our broader anti-trafficking efforts, is both domestic and international. In fact, we can probably have the greatest impact on what we do to prosecute traffickers and help victims here at home. Our domestic and international efforts -- whether on model legislation, police training curricula, or treatment of victims -- must be consistent and coordinated.

3. We would not have achieved a strong bill without extensive White House involvement and coordination of the various agencies with an interest in trafficking.

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achieved it.

This same high-level interagency coordination is necessary to implement the bill and to institutionalize work done on trafficking over the past few years.

4. There are significant internal turf battles within State over trafficking, including DRL, INL and the regional bureaus. Placing the office in any one bureau will hamper its effectiveness in coordinating interagency implementation if such an office must obtain clearance from throughout the State Department to conduct its routine activities. More importantly, it will not have credibility among the other agencies that would be asked to report to a sub-DAS level entity within State. By locating the office within State, other agencies will view its role and initiatives as "State Department" actions or proposals that they can accept or reject on equal footing with a sister agency. This is the President's task force, and this office is and must be seen as supporting the President's interagency effort.



Oliver D. Pangborn

10/27/2000 07:37:16 PM

Record Type: Record

To:

cc:

Subject: EMBARGOED FACT SHEET: Radio Address for 10/28/00

**EMBARGOED UNTIL SATURDAY, OCTOBER 28, 2000
10:00 AM EDT**

**PRESIDENT CLINTON'S RADIO ADDRESS TO THE NATION: LEGISLATION TO COMBAT VIO
AGAINST WOMEN, FIGHT TRAFFICKING IN PERSONS, AND ASSIST VICTIMS OF TERROR**

October 28, 2000

Today, in his radio address, President Clinton will announce that he is signing into law H.R. 3244, the Victims of Trafficking and Violence Prevention Act of 2000. This important bipartisan legislation strengthens and improves on the nation's efforts to fight violence against women; provides important new tools and resources to combat the worldwide scourge of trafficking in persons; and helps American victims of terrorism abroad to collect court-awarded compensation. This legislation -- which will help thousands of victims of violence, both here and abroad -- passed Congress with overwhelming support and was aided by the strong leadership of the First Lady. President Clinton will also call on Congress to build on its bipartisan successes, such as the Violence Against Women Act, and finish its work for the American people. Nearly one month past the end of the fiscal year, Congress has passed seven stop-gap extensions but still has not completed a budget for a fiscal year 2001. President Clinton is now granting additional extensions one day at a time to ensure that Congress stays in town and completes its business, by passing a tax bill for middle-class families, finishing a fiscally responsible budget that invests in education, and enacting other national priorities.

STRENGTHENING AND EXPANDING THE VIOLENCE AGAINST WOMEN ACT

In 1994, the President and Vice President championed the landmark Violence Against Women Act (VAWA), which established new Federal criminal provisions and key grant programs that have provided over \$1.6 billion to improve the criminal justice system's response to domestic violence, sexual assault and stalking, and to direct critical services to victims. Today, the President will announce that he is signing into law legislation that reauthorizes and strengthens VAWA. This legislation will reauthorize key grant programs, which assist law enforcement efforts and support victims' services, through Fiscal Year 2005; expand the investigation and prosecution of crimes of violence against women; and continue to fund the National Domestic Violence hotline, which has already received over 530,000 calls. The reauthorization also builds on VAWA's success in combating domestic violence by creating several new, groundbreaking initiatives. These key

provisions provide critical new protections for battered immigrants, by helping them escape abuse and by holding batterers accountable; extend, for the first time in all jurisdictions, the assistance available under certain VAWA grant programs to address the high rate of dating violence; provide additional resources for Native Americans who are victims of domestic violence; help ensure that children are safe when visiting with their parents and that battered women remain safe during visitation exchanges; and enhance the enforcement of protection orders.

➔ **ANTI-TRAFFICKING PROVISIONS**

The legislation builds on the framework the Administration has put in place to attack the problem of trafficking in human beings – a framework that is based on a three part strategy of prosecuting traffickers, protecting and assisting trafficking victims, and preventing trafficking. The legislation creates new felony criminal offenses for trafficking in human beings and subjects any person convicted of any of these new crimes to forfeiture of his or her assets. It strengthens protection for victims of trafficking with essential services and eligibility for a broad range of Federal benefits and restitution. It also establishes a Cabinet-level interagency task force to combat and monitor trafficking. The legislation improves Federal law enforcement's ability to identify trafficking cases and helps ensure victims can remain in the United States in order to help law enforcement in the prosecution of traffickers and receive assistance. International initiatives are strengthened through provisions that authorize the President to withhold assistance from countries that are not making significant efforts to comply with these minimum standards and expands existing reporting on the nature and extent of trafficking in other countries.

The Administration has taken several steps to combat trafficking in human beings, including an Executive Memorandum in 1998 that directed agencies to strengthen efforts to combat trafficking, the creation of a Worker Exploitation Task Force to enhance the investigation and prosecution of trafficking and other worker exploitation cases in the United States and by co-hosting a conference in Manila that was attended by more than 20 Asian and Pacific nations to develop a regional action plan to combat trafficking and protect trafficking victims. The United States proposed and recently concluded two years of negotiations on a United Nations protocol to combat trafficking in persons which, for the first time, will require countries everywhere to criminalize trafficking and will provide a framework for enhanced protection of and assistance to victims.

ANTI-TERRORISM PROVISIONS

H.R. 3244 also contains provisions which allow victims of international terrorism and their families to receive court-awarded compensation. It reflects a compromise reached between the Administration and Congress -- a compromise which accomplishes two important goals: providing compensation for the victims of terrorism and protecting the President's ability to act on behalf of the nation on important foreign policy and national security issues. The bill allows certain victims of international terrorism to collect compensatory damages awarded by U.S. courts against terrorist states. In the case of judgements against Cuba, the bill authorizes the President to vest Cuban assets located in the United States in order to pay court-awarded damages to victims and their families. In the case of judgements against Iran, the bill authorizes direct payments to victims with a requirement that United States seek to recover those assets through international tribunals or

negotiations with Iran.

PRESIDENT URGES CONGRESS TO WORK DAY AND NIGHT TO FINISH ITS WORK FOR AMERICAN FAMILIES

Nearly one month past the end of the fiscal year, the President again will call on Congress to put progress over partisanship and complete a budget that invests in America's priorities, particularly education, and provides responsible tax relief. He will also urge Congress to act on the rest of America's unfinished business, such as raising the minimum wage for working families, providing an affordable prescription drug benefit for seniors, enacting a meaningful patients' bill of rights, passing hate crimes legislation, ensuring equal pay for women and insisting on fairness for immigrants.

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