

PHOTOCOPY
PRESERVATION

12/18/01

TRAFFICKING



EQUALITY NOW

file happy

250 West 57th Street, #826, New York, New York 10107 • Phone: (212) 586-0906/Fax: (212) 586-1611/Email: info@equalitynow.org

4 February 2000

Ms. Melanne Vermeer
Chief of Staff
Office of the First Lady
By Fax: 202-456-6244

Dear Melanne:

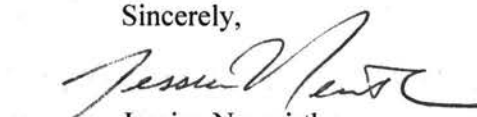
I want to thank you for participating by telephone in the meeting on trafficking which took place last week at the Feminist Majority, and for your intervention which I know was extremely welcome by all those in our informal coalition. We have since met with Under Secretary Loy, and I believe we have an agreement in principle on a definition of trafficking for US legislation, a definition which the Administration can support and which is inclusive of all those we consider to be traffickers, as well as all those we consider to be trafficking victims.

Unfortunately, it seems that this agreement in principle does not yet extend to the Vienna negotiations on a UN protocol on trafficking. Under Secretary Loy was clear in our discussions that the United States is committed to a framework for the convention that will be limited to situations where force or coercion is involved. We are continuing the discussions with representatives of the State Department, as well as the Justice Department, and we very much hope to be able to convince them that a broader approach is critical to the effective prosecution of traffickers, and necessary to ensure the consistency of the protocol with existing international law, such as the 1949 Convention and CEDAW.

I have recently been in touch with the European Women's Lobby, one of the largest women's NGO coalitions in Europe, and they are also working to this end. It is commonly believed that US support and leadership for a broader rather than narrower definition of trafficking is critical to the outcome of the discussions, particularly as Europe is so divided. I have also been in touch with members of the government delegation of the Philippines - a country greatly victimized by trafficking. At the recent meeting in Vienna, where I am told the US opposed efforts by the Philippines to add the word "inducement" to the definition of trafficking, the Philippine delegation expressed concern that the narrower approach supported by the US "ignores the plight of thousands of women trafficked for purposes of sexual exploitation."

I know that Hillary Rodham Clinton has spoken out strongly against the sexual exploitation of destitute women by traffickers and the trafficking industry. I would be glad to keep you updated on our discussions with the State Department and would be grateful for any advice you may have to help us in our efforts to ensure that the international position of the US delegation to Vienna is consistent with the position of the Administration on US legislation concerning trafficking.

Sincerely,


Jessica Neuwirth
President



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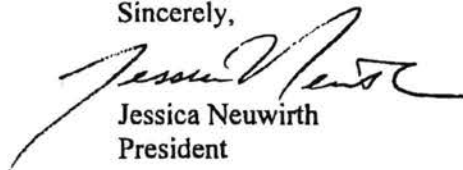
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POSSIBLE NEUWIRTH RESPONSE POINTS

- I am pleased that we have come to some agreement on the legislation definition.
- I also am pleased that you had a chance to meet with Undersecretary Loy. I believe that it was important that you meet so that the Undersecretary could hear from you and help articulate to you the Administration's position.
- I understand that you will be discussing specifics of the protocol definition with representatives of the Administration tomorrow at the Department of Justice. I am concerned that you are entering these discussions apparently believing that those attending for the Administration do not represent the position of the Administration. Your concerns are being heard and the Administration representatives at the meeting tomorrow and on the delegation reflect our position and our objective of achieving a meaningful protocol this year.
- The protocol definition is in some ways more complex than the legislation. We are not able to dictate to the rest of the world during these negotiations. The positions and laws of other countries must be kept in mind. US negotiators in Vienna must take into account the ability of countries to ratify if we are to achieve a meaningful agreement of international cooperation to fight this terrible problem.
- There are at least two new alternative definitions that will serve as the starting point for discussions in Vienna in June. They were produced by the work of all of the delegations (including the Philippines). If you object to all of the alternatives, I hope that you will bring with you to tomorrow's discussions your preferred language.
- We will continue to work with you and others. I appreciate your personal commitment to this issue.

BACKGROUND ON THE POINT ABOUT "INDUCEMENT"

The United States representative from DOJ (a career prosecutor) -- as well as Canada and some other countries -- observed that under the law of their countries the legal meaning of "inducement" was extremely broad and could present problems. The characterization that the US blocked the Philippines proposal is dramatically overstated.



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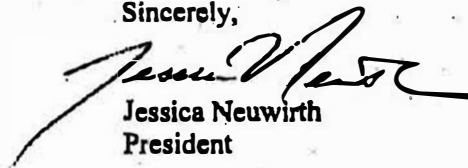
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File Trafficking

The Oldest Profession Seeks New Market in West Europe

By ROGER COHEN

DUBI, Czech Republic — Early this summer, Pavlika, a young Bulgarian woman, boarded a bus in Varna on the Black Sea coast and traveled westward to this town on the Czech-German border, where she now stands on the road in vampish boots and a skirt so short it leaves little to the imagination. "Work," she says simply, a helpless smile spreading across her broad face. "Work, that is why I came. In Bulgaria, there was no way to make money."

Prostitution is an old trade but not an honored one, so Pavlika prefers not to give her family name. At the age of 21, she has plenty of company. Dubi now forms the center of a five-mile sex strip leading to the border where bars have names like "Libido" or "Kiss" or "Alibi" and young women loiter on every corner.

About 70 percent of the prostitutes are foreign, most of them from Bulgaria, Belarus, Ukraine and Russia, said Vladimir Kriz, the Dubi police chief. He said several hundred women cater to "sex tourism" from Germany — the ugly face of the economic divide that scars the land where the cold war died. Many of the women end up here because it is easier and cheaper to get a Czech visa than one to a European Union country.

Average wages are \$110 a month in Russia, three times that in the Czech Republic, more than fifteen times that in the European Union. No

CROSSING BORDERS *The Sex Trade*

wonder a tide of more than one million migrants, a growing number of them women, is washing up each year on the European Union's borders and within them.

Communism put women to work; post-cold-war capitalism does not necessarily do so. More than 60 percent of Russia's unemployed are women. A Russian girl called Luda, in a bar in southern Spain, put the West's lure simply: "One-zero-zero-zero," she said laughing, "instead of one-zero-zero" — the chance to earn \$1,000 a month instead of \$100.

But the laughter can be short-lived, promised money illusory and the human cost high. Scratch the surface in the Dubi area and a world of violence, xenophobia, disease and misery is revealed.

At the orphanage in nearby Teplice, Jirina Rajtrova, brisk in white uniform, points to three babies in a large bed and says two of them, Adam and Lucia, were born to local prostitutes. Of the 55 infants under her care, half are children of prostitutes. "You see," she said, "There are regular clients for pregnant women." Mr. Kriz, the police chief, said he last saw "some pregnant girls working" several months ago.

As for child prostitution, Jiri Vora-

lek, the chief of police in nearby Usti, says nine pimps are being prosecuted in three cases this year involving 12 children. "The youngest was 9," he said.

Those are extreme cases. But, generally, moral codes are loosening in a Western European society that is ever more mobile and bereft of the old constraints that church, community and steady jobs provided. Wealth is widespread, but so is alienation; sex has been commercialized like everything else. Fast money is in; so is fast sex.

Central and Eastern Europe are far poorer, their once sealed borders now open, their sense of what Bernd Burgfeldt, a Berlin police officer, called the "Golden West" still full of illusions, their young women liberated but often idle — and desperate.

For the sex trade, the balance of supply and demand could scarcely be better. Women have been coming to this border town for several years, and the influx shows no sign of abating. "Between the two parts of Europe, the business of trafficking for sexual exploitation is booming," said Bjorn Clarberg, director of the "Illegal Immigration and Human Beings Group" at the European Union's joint police force, Europol. "It's an industry now worth several billion dollars a year."

Irene Freudenschuss-Reichl, an Austrian activist working to curb that business, estimates that half a million women from Eastern Europe and the former Soviet Union are being shipped abroad each year.

At Frankfurt am der Oder, on the German-Polish border, Mirko Heinke, a senior border guard official, said about 60 percent of the 681 people apprehended so far this year were women, with the largest numbers from Russia, Ukraine and Moldova. In Berlin, Mr. Burgfeldt put the number of prostitutes in the city at close to 7,000, "most of them from Eastern Europe, women who have poured in since the fall of the wall."

Some move westward without illu-

1/2

The New York Times

TUESDAY, SEPTEMBER 19, 2000

sions, convinced, however reluctantly, that prostitution for a wealthier clientele is the only way to feed their families and fashion a future. Others come deluded, lured into thinking that they will work as babysitters or barmaids, forced into unpayable debt, deprived of all freedom in the end.

Pavlika, the Bulgarian prostitute, saw no alternative to her current work on the E-55 highway. Her parents are dead, killed in a car crash when she was 16 and still at school. She took a succession of odd jobs, but they were insufficient to support her 10-year-old sister. Hardship. Dead ends. Vague dreams of "getting married and maybe living in Germany."

She stops talking, abruptly, says she has to work. The going rate is about \$35 for 30 minutes, or about half the price over the border in Germany. Hence the steady stream of German cars.

Pavlika takes a wad of notes out of a bag. She hands them to her pimp. Like others around here, he has a look: track suit, Adidas sneakers, gold chain, sleeves short enough to reveal the bulge of his muscles.

Leona, 19, works in the nearby Bihac bar, an upscale brothel owned by Bosnian immigrants. She is a Ukrainian girl from Uzhgorod; she seems desperate, to judge by whispered confidences. Unlike Pavlika, she is in the second category of women, those deceived, trafficked and ultimately trapped.

She came westward believing that she would work as "a gardener or some normal work." But upon arrival this summer her passport was taken. She was told she had been "sold" to the bar where she now works. She has no money, she says. Her gaze is vacant.

"Money, money, money, money," says Natasha from Brest, Belarus, who is sitting next to her. "There is none for young women in Belarus. There is none in Ukraine. We are here because we can get a Czech visa for \$25. A German one is much more difficult, much more expensive."

But many women do get into Germany, some illegally, some with three-month tourist visas arranged by the gangs that bring them. Barbara Erritt, a social worker, says about 1,000 women a year are coming to Berlin from countries further east to work temporarily as prostitutes. She tries to help the casualties.

Their stories tend to resemble one another. The women may be teachers or farm laborers or unemployed, ages 18 to 30. Often they have one or two children to support. They receive

an offer of temporary work and good earnings in the West. Even an au pair in Berlin may earn several times the wage of a teacher in Kiev.

Travel and visas are arranged for \$800 to \$1,000 — the women's debt to the gangs that organize their transportation and work. After arrival, passports and any money are taken and the women are deposited, often in groups of four or more, in small, guarded apartments. Then they are told what their real job is to be.

The Berlin tabloid newspaper, BZ, advertises them daily: "The best from Moscow," "Sweet, fresh Poles," "New! Ukrainian Pearls."



Dubi is at the center of a five-mile sex strip on the German border.

Some are taken to work in clubs or brothels; others are driven to clients' homes.

The average rate in brothels is about \$75 a half-hour, but no more than a tenth of that reaches the women's pockets. The women have to buy food and pay rent from their earnings, and so the debts mount.

"The women are terrorized," said Ms. Erritt, who has helped about 30 of them in the last two years. "They are often unable to pay off their debts. And they are paralyzed, afraid to go to the police, terrified the gangs will do something to a member of their family back home if they try to escape."

Prostitution is not illegal in Germany, if confined to designated urban areas. But trafficking in women, and their exploitation, is illegal; so, too, is working with a tourist visa or with none at all. Mr. Burgfeldt, the police officer, said he had 20 staff members fighting prostitution rackets, with limited success.

The trade in women from the East

has spread throughout Europe and is increasingly well organized. The Russian-German and Ukrainian-German mafias that dominate the business are an outgrowth of the long Soviet presence in East Germany. Their networks are old, slick, flexible and elusive. Everywhere, women are reluctant to testify because they are afraid; without them convictions are almost impossible to get.

"If they are going to testify, these women need witness protection, new names, new passports, assurances they can remain in Germany," said Cornelia Bührle, an expert on illegal immigration. "But German authorities will not provide this. And the mafias are often much more sophisticated than the police or the border police."

For Dr. Hana Duchkova, an expert on sexually transmitted diseases at Usti Hospital, the collapse of Communism and the order it imposed have been a "recipe for many problems." Foreigners have no medical records, and spread disease. Cases of syphilis at the hospital are up to 134 so far this year from 59 in 1999, she said, heaping blame on foreigners and a large Gypsy population she described in disparaging terms.

One young Gypsy woman on the highway said she was 19 and had been put to work at age 15 by her family. On a good day, she could make about \$150. With a tattoo of a rose on her upper arm and a ravaged look in her big brown eyes, she seemed a waif broken before she could live.

Under the former Communist government, Gypsies had jobs, however menial, and overt racism was repressed, although a contentious program involving paid sterilization also existed. The women here from Belarus, Bulgaria, Russia and elsewhere would also have had jobs.

"Poverty was not the same in Communist societies," said Mr. Burgfeldt of the Berlin police. "What we are facing now is people moving because of the poverty they face."

Bara Rempertova, 26, who is Czech, sells her body voluntarily on the highway. At least, it is "voluntary" work in the sense that it is the only work she has been able to find that allows her to make what she called "a reasonable living." After six years, she plans to stop next year.

"I met a German here who is now my stable boyfriend and he wants to marry me," she explained. "He understands why I have to do this. If things work out, I plan to go and live with him in Germany."

8/7

Vast Trade in Forced Labor Portrayed in C.I.A. Report

Traffickers Prey on Women and Children

By JOEL BRINKLEY

WASHINGTON, April 1 — As many as 50,000 women and children from Asia, Latin America and Eastern Europe are brought to the United States under false pretenses each year and forced to work as prostitutes, abused laborers or servants, according to a Central Intelligence Agency report that is the government's first comprehensive assessment of the problem.

The carefully annotated and exhaustively researched, 79-page agency report — "International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery" — paints a broad picture of this hidden trade and of the difficulties that government agencies face in fighting it.

Completed in November, the report is based on more than 150 interviews with government officials, law-enforcement officers, victims and experts in the United States and abroad, as well as investigative documents and a review of international literature on the subject.

Law-enforcement officials have seen episodic evidence for years of trafficking in immigrant women and children, some as young as 9 years old. But the report says that officers generally do not like to take on these cases because they are difficult to investigate and prosecute. What is more, it says, the nation does not have sufficient laws aimed at this problem, meaning that the penalties often are insubstantial.

Two years ago, Attorney General Janet Reno chartered an interagency task force, saying, "We are not interested in containing modern-day slavery; we want to eradicate it." The report mentions many efforts to fight the problem, but also many barriers to doing so.

Over the last two years, while up to 100,000 victims poured into the United States, where they were held in bondage, federal officials estimated that the government prosecuted cases involving no more than 250 victims. The Justice Department said it could not provide precise figures.

The report was prepared by a government intelligence analyst who was working on assignment to the C.I.A. While the report is not classified, it has not been made public. Another government official who

wanted the report's findings publicized provided a copy.

It describes case after case of foreign women who answered advertisements for au pair, sales clerk, secretarial or waitress jobs in the United States but found, once they arrived, that the jobs did not exist. Instead they were taken prisoner, held under guard and forced into prostitution or peonage. Some of them were, in fact, sold outright to brothel owners, the report says.

"Examples of this may include Latvian women threatened and forced to dance nude in Chicago," the report says. Thai women were brought to the United States "but then forced to be virtual sex slaves." Chinese-Korean women were "held as indentured servants." And "Mexican women and girls, some as young as 14," were promised jobs in housekeeping or child care but, upon arrival, "were told they must work as prostitutes in brothels serving migrant workers."

Girls from Asian and African countries, some 9 years old, were essentially sold to traffickers by their parents, "for less than the price of a toaster," one government official said. This mainly happens in cultures where female children are not valued. The girls are smuggled into the United States where, in a typical case, they are forced to work "in an indentured sexual servitude arrangement," the report says.

A Nigerian smuggling ring, the report says, citing an Immigration and Naturalization Service case charged parents from that country \$10,000 to \$12,000 to bring their children to New York so they would have "better educational opportunities." But once here, the smugglers "forced the Nigerian children to work as domestics."

Some of these cases received news coverage when they were discovered. But they are only a tiny fraction of the problem. The report says 700,000 to two million women and children worldwide are victimized by traffickers each year. Although the numbers who come to the United States are relatively small, the report says that the problem "is likely to increase in the United States."

At a conference in Manila this week, delegates from 23 Asian countries called on governments to seize the profits of the crime syndicates involved. A Filipino group estimated those profits at up to \$17 billion a year.

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The countries that are the primary sources for traffickers are Thailand, Vietnam, China, Mexico, Russia and the Czech Republic, the report says. Other countries that are increasingly providing victims include the Philippines, Korea, Malaysia, Latvia, Hungary, Poland, Brazil and Honduras, the report says.

The I.N.S., one of several federal agencies with jurisdiction in this area, noted in an internal assessment last fall that agents had found

250 brothels in 26 cities that appeared to be holding trafficking victims. It was not always easy to tell, the C.I.A. report says, because the victims generally did not speak English and might have been even more afraid of law-enforcement officers than of their captors. After raiding one of these brothels, the immigration officers generally move to deport the women because they are in the country illegally. Often the officials do not have enough information to prosecute their captors.

Government officials said the problem is not new, but the scope seems to have increased in recent years. The biggest reason is that, since the mid-1990's, traffickers from Russia and the former republics of the Soviet Union have aggressively entered the business, taking advantage of women from those countries who are looking to the West for opportunities.

"It's accelerated tremendously in the last 10 years," said Donna Hughes, director of the Women's Studies Program at the University of Rhode Island. She has monitored the issue for a decade. "An important reason is that there's increased migration of women now for purposes of work."

A C.I.A. analyst derived the estimate of 50,000 victims per year from public and classified intelligence data, a government official said. No comparable estimates were made in previous years, the official said, but the widespread opinion among government officials was that the number was much smaller 10 years ago.

One reason for the scrutiny of the problem now is that Clinton administration officials, including Secretary of State Madeleine K. Albright and Attorney General Reno, in addition

Traffickers bought African and Asian girls 'for less than the price of a toaster.'

tion to the first lady, Hillary Rodham Clinton, have spoken out on the issue.

The task force that Ms. Reno es-

tablished two years ago to coordinate federal efforts to fight the problem meets every two or three months. It sponsors training seminars for law-enforcement personnel and pilot projects for victims, among other efforts. The Justice Department set up a hot line for victims, staffed during business hours, Monday through Friday.

Other federal officials, and the report itself, say the government's efforts are often fragmented and ineffectual. Many agencies have theoretical jurisdiction — the Federal Bureau of Investigation, the I.N.S., the Department of Labor, the State Department, among others — but none of them see trafficking of women and children as their clear responsibility, or as a desirable assignment because "investigating trafficking and slavery cases is arduous" and unrewarding, the report says.

Even when traffickers are convicted, the penalties are usually light. In fact, there are few federal or state laws aimed directly at this crime. One federal law does forbid "sale into involuntary servitude." It carries a maximum penalty of 10 years in prison. Many recent trafficking convictions have brought sentences that were shorter than that.

In one case last year involving 70 Thai laborers "who had been held against their will, systematically abused and made to work 20-hour shifts in a sweatshop," the report says, seven defendants received sentences of four to seven years; one received seven months.

"These low penalties and the long, complicated and resource-intensive nature of trafficking cases tend to make them unattractive to many U.S. attorneys," the report says.

Despite interest in the issue from the Clinton administration, government officials said, few resources have been devoted to it.

"We have hundreds and hundreds of government analysts looking at drugs, arms, economic issues," a government official said. "But hardly anyone is on this."

Two pending bills, in the House and the Senate, would increase prison time for traffickers, provide assistance for victims and increase resources and training for law-enforcement officers.

The bills would require the State Department to publish an annual report on trafficking and recommend sanctions against countries that are not, in the administration's view, fighting it aggressively enough. This would be similar to the annual State Department reports on human rights and drug trafficking. But the department strongly opposes this idea, threatening the bills.

Although the C.I.A. report was distributed within the government last November, it does not appear to be getting much attention.

"No one really knows what to do with it," one government official said. "I'm not sure people are really focusing on this."

TO: The First Lady, Secretary Albright

CC:

**RE: Report on the U.S. "Vital Voices" Delegation Visit to the Czech Republic, Russia
And Ukraine – June 12-22, 2000**

The purpose of the trip was to support the development of programs to advance women's leadership in the emerging democracies and to further steps to combat trafficking in women and girls.

Czech Republic

We participated in a follow-up conference to the 1997 Vital Voices conference in Vienna organized by Forum Women – "Forum Zhen". The Vital Voices conference and the First Lady's participation had stimulated the creation of a Czech women's network comprised of elected officials, NGO leaders and professionals who are playing important roles in their countries developing market economy and civil society. The Czech Republic has been slow to incorporate women in these two key sectors and its overall progress in adopting market reforms and developing a vibrant civil society has been disappointing. "Forum Zhen" constitutes an important network of Vital Voices activists to help women take a more active role in the Czech Republic's democratic and free market development.

At the Vienna Vital Voices Conference in 1997, several Czech women were among the speakers and they – and the others who participated in Vienna – had prominent roles in organizing this conference they were supported by Ambassador Shattuck and Ellen Hume. In addition to Ellen's significant assistance in the planning of the conference, she and the

Ambassador hosted a reception at the U.S. Residence. The conference had received financial support mostly from Czech businesses. The theme of the meeting was "Empowering Women to Take Their Place in the New World".

Verveer gave the keynote address on building civil society and the importance of political participation, and Esther Dyson gave a talk on the new information market. Loar provided an overview on _____ and former Ambassador Swanee Hunt gave closing remarks. Verveer did Czech morning TV a Czech conference organizer and she also participated in a press conference at the forum.

Loar and Verveer also had a series of meetings with U.S. and Czech government officials and representatives on the International Organization for Migration to review efforts to combat trafficking in the Czech Republic. The Czech Republic is a source, destination and transit country. The Czech government has established a special police unit on trafficking, which works closely with IOM and the NGOs, like LaStrada. It has a strong Federal law against trafficking. The Czech Republic is instituting a visa requirement from former Soviet Union countries. Its border with Germany is the most porous for trafficking. Recently, traffickers were apprehended through several raids.

Recommendations: Include the Czech Conference Participants in the Vital Voices exchange programs.

Russia

1. Moscow

The key purpose of the trip to Russia was to consolidate efforts on combating domestic violence and trafficking, to assist women's small business development and to support the growing Vital Voice's network.

Ambassador Collins opened Spaso House to a meeting of the leading NGOs working on domestic violence, legal reform and trafficking. Marina Pisklakova, who heads up the recently created Russian Association of Crisis Centers for Women, said the "spirit of Vital Voices that permeated the conference in Reykjavik is what gives them inspiration to us to keep going against tough odds". The group noted that centers in St. Petersburg, Irtusk, Ekaterinberg and Moscow were strong, but efforts needed to be made to help newer centers. There are now over 40 NGOs working on domestic violence and many are being linked together in a new association for crisis centers. There are about ten government centers. The U.S. sponsored Russian Conference on domestic violence has been very effective in stimulating progress on this issue.

The group talked about the need to get legislation passed by the Duma on domestic violence and trafficking. The development of Internet programs in Russian on women's issues was viewed as critical. Verveer and Loar discussed strategies for introduction and passage, including raising the issue with the Minister of Labor and Social Development Galina Karelova

and with the new Deputy Chairman of the Duma Lynbov Sliska. Prior to the large group meeting on domestic violence and trafficking, Ambassador Collins joined us for a meeting with the leaders of the New Association of Crisis Centers.

We also had a wide-ranging meeting with leading women business owners and representatives of NGOs and small business associations. Minister Karilova joined us for the discussion at the DCM's Residence. The women discussed the difficult hurdles imposed by government regulations and we explored ways that they could join together as a coalition, with their supporters inside the government, to get their key priorities addressed by the government. Some of the business hurdles they mentioned included the \$300 registration fee, tax policies and the need for simplified accounting methods. They agreed to put together a list of business priorities that require government action.

The melding of civil society advocacy with their small business needs was a concept they found interesting. They said the SBA web site was not useful to them in its current form because it was not applicable enough to the Russian business environment. They want to create a website that better addresses their specific requirements, as well as creates an important link for transmitting information regionally they said it was costly, both in terms of the equipment and people to keep it going. They also talked about potential ways Russian businesswomen and foreign partners could come together. There are existing forums for businessmen, both for this purpose and more generally to meet with their foreign counterparts. There is no such forum for business women in Russia.

The St. Petersburg business representatives at the meeting stressed a need for an information infrastructure, technical assistance and access to micro-credit. They hope that Vital Voices can help with the organization building for an effective small business coalition.

In a separate meeting with Minister Karilova, we expressed a need for a statute dealing with violence against women. She said that law enforcement in Russia needs training and she reaffirmed the importance of expressing this need to the new leadership of the Interior Ministry. She also recommended more public education on the issue through the mass media.

She suggested a Russian-U.S. conference on workshops on trafficking. She noted that the leadership we brought to organizing the domestic violence conference last year that the First Lady had announced during her trip to Ekaterinburg has resulted in significantly more attention to the problem. She also recommended that the establishment of a Russian-American Women in Business Association.

She also said she had had some exploratory conversations with the U.S.-Russian Business Council when she was in New York, but hoped we could advance this idea of a partnership between business women in Russia and their U.S. Counterparts. She gave us a copy of the proposal.

We also met with the head of the Soros Open Society Institute, in Russia, Yekaterina Geniyeva, who reiterated the commitment she made at the Vital Voice Global Exchange held in Washington to have the Open Society lead the Vital Voices network in Russia. She expressed

George Soros' support during his recent visit to Russia. She proposed a Russia Vital Voices democracy conference in the fall of 2001, a new women targeted business development program that, if successful, could serve as a model for the Country and an Internet program in Russia, among other initiatives.

We also met with the new Deputy Chairman of the Duma Lynbov Sliska, who had requested the meeting at the UN Beijing + 5 conference when we briefly met in New York. Ambassador Collins joined us for the discussions in her office at the Duma. We had a spirited, wide-ranging conversation on women's policies with her and four other officials, including one who had attended the Vital Voices Conference in Reykjavik. She was delighted that we were able to get together so quickly after the New York events. She talked about the hearings on women's rights she had just conducted at the Duma. This was the first time such hearings were ever held and a number of our Vital Voices NGO leaders testified. Sliska said she finally got the hearings approved on the third try, after being turned down twice previously. We told her that the NGOs had responded favorably to her efforts.

She wanted most to underscore the need for women's political participation in Russia. Sliska wants to use the Saratov Oblast as a model for women's political participation and progress on a range of women's concerns. She told us she recently met with the Governor and other leaders in the Oblast. The Governor agreed to give the health clinic for reproductive rights a new center. They've been making real progress over the last five years. She said they have a crisis center for women and the beginnings of other key programs for women's progress. She

especially wants to work on business development and asked about the microcredit \$1 million fund announced at the Vital Voices conference.

She also asked us to convey her personal invitation to the First Lady to visit Saratov, and added “whether elected or not, Hillary will always be Hillary and women need her.”

We had a briefing with Embassy Staff who work on women’s issues: DCM, POL, USAID, CONS and EXEC. It was a useful exploration on how we can work more effectively in Washington or Russia on a range of issues.

2. St. Petersburg

The U.S. consulate organized a round table with some of the women who had attended Vital Voices conference and other NGO leaders at the Consul General’s Residence. The women leaders represented NGOs promoting political participation, human rights in Pskov and, Mothers for Soldiers’ Rights (vs. Chechnya involvement). Soros’ point person for gender issues, a Vital Voices Global Exchange participant

The group appeared more dispirited than their Moscow counterparts. Paul Smith as Consul General, noted that many were working under extremely adverse circumstances and that the regional political environment was particularly difficult. One of the participants said, “no one here cares about civil society.” One of the most upbeat participants was from Mothers for Soldiers’ Rights, who said that the word “I” was struck from the totalitarian framework and it has, therefore, been hard for people to learn the power and responsibility of the ordinary citizen.

However, her organization has found that the parents who are working to save their children from Chechnya are learning the meaning of their rights and beginning to take responsibility and it's leading others to set up similar organizational efforts.

We also visited the St. Petersburg Domestic Violence Center, which is part of the Angel coalition. It was useful to see and hear first-hand the circumstances under which they operate. This group has been working optimally with the Moscow-led broader coalition.

Recommendations:

- Include women activists in the Billington exchange groups "Russian Leadership Program". Develop a Vital Voices piece for the elected officials who will be taking part in the Fall exchange.
- The Creation of a Domestic Violence Association of Crisis Centers will be important in providing technical support to crisis centers established all over the country. We should do what we can to be of assistance.
- With the imminent departure of Beryl Bleher as chief commercial officer and Lycia Sybilla, who oversaw the women's programs, it is crucial to assign new staff at the Embassy. Both Ambassador Collins and the DCM agreed that this needed to be a priority.
- Explore ways to expand Vital Voices to more of Russia. Reykjavik was restricted to the northern region and there is a real desire to extend it beyond the northern rim. Soros sponsorships will help and our relationship with them needs to be a priority.
- There is a need to designate a point person in the U.S. to oversee the Russia and Eastern European Vital Voices programs. This will require outside support through the Vital Voices

Global Partnership. Explore the feasibility of a U.S.-Russia trafficking conference to give impetus to efforts to combat a growing problem.

Ukraine

The purpose of the visit to Ukraine was to participate in the U.S. – Ukraine sponsored Law Enforcement Conference to Combat Trafficking vs. Women and Children.

The conference was organized by an interagency team that included the First Lady's Office, State Department, President's Interagency Council on Women, and U.S. Embassy Ukraine. It was a key component of the bilateral agreement that the President announced in 1997 to help Ukraine combat the growing problem of trafficking. It was women from Ukraine who first brought the First Lady's attention to the problem at the Vital Voices Conference in Vienna. The trafficking workshop was announced by Presidents Clinton and Kuchman at their June 5 meeting.

This conference brought together – for the first time – U.S. government representatives including Anita Botti (who leads efforts at the State Dept), as well as representatives from the Department of Justice and the INS, Ukrainian government officials including the Vice Prime Minister Mykola Zhulnsky and the Minister of Internal Affairs, Yuriy Kravchenko, international organizations, NGOs and representatives of countries who are either source, transition, or destination countries (the U.S. Embassy in Ukraine and the Ukraine's Ministry of Internal

Affairs had the lead). Trafficking is conducted by a growing crime networks that are making enormous profits from the selling of human beings. Few prosecutions have resulted.

The conference led to the creation of a concrete plan of action for Ukraine with specific responsibilities outlined for the various government entities. The conference was the first time that NGOs, which have significant information and know-how, worked side by side with their government. Already at the meeting, police representatives from the government of Israel in attendance held separate discussions with the Ukraine government over the case of a woman trafficked from Ukraine. Issues of witness protection and testimony were being worked out. It was immediate, tangible evidence of the importance of the convening.

The Ministers from Ukraine gave remarks, as did U.S. Ambassador Pifer. Verneer gave the keynote address. Anita Botti outlined the key elements of an action plan. LaStrada, one of the most important NGOs involved in anti-trafficking, in Ukraine, noted that this issue would never have gotten serious consideration had the First Lady not been responsive when they told her at the Vital Voices Conference in Vienna in 1997 about the growing problem. This led to the announcement of a U.S. – E.U. public education campaign to warn Ukrainian women about the tactics of traffickers who prey on their economic desperation and lure them with false promises.

We complimented the government of Ukraine for having the courage to tackle this tough issue and pointed out that it is a global problem that can only be addressed through country specific, regional and international actions. We also discussed the fact that, at its root, trafficking was driven by severe economic conditions affecting women. That is why President

Clinton announced a multi-million dollar micro-credit program during his visit in June. We also announced a \$1/2 million Department of Labor grant to Ukraine for technical analysis of regulatory and legal barriers to women's employment at the conference. Verveer had a series of meetings with Ukrainian officials and groups working on these issues.

In a meeting with the Ministry of Education, she stressed the importance of their efforts to educate students about the traffickers' tactics. LaStrada and Winrock have been working with the government in the schools. They have a working group to develop materials for teachers. Thus far they have a financial commitment to print about 2000 copies and distribute them, but the need is much greater.

Verveer did several media interviews scheduled by the Embassy press office to highlight the problem U.S. – Ukraine cooperation in addressing it, and the importance of the conference. She did the equivalent of the "Today Show", which devoted its entire program to trafficking, took an on-air poll, and responded to viewer call-in questions. It was the first-time the issue received serious exposure in the media. She, Botti, and Ambassador Pifer also participated in a press availability with Ukrainian officials. Most of the questions were hard-hitting queries directed at the Ukrainian government officials for not being more responsive to the problem. They also hit on government corruption, which facilitates the traffickers' work.

In a meeting with LaStrada, Verveer learned of several hurdles confronting NGOs working on these and related issues. The Ukrainian Ministry for Family and Youth Affairs had a special department for women. Acting on a mandate to reduce government, this Ministry the it's

women's Office were eliminated. The NGOs believe it is vital to have an office that represents these issues to the President. The issues should have the attention of someone with significant authority.

The Ukrainian anti-trafficking law needs to be strengthened. While it constitutes progress that a law exists, it was forged with no input from the NGOs with experience in the field. As a result, it is difficult to bring prosecutions under it. Another issue that was raised is that the government policies overseeing NGOs inhibit their work, particularly the tax policies. These policies also reinforce official corruption.

Verveer also had discussions with Winrock leaders from Kiev, Lviv, Dnieperpetrovsk and Donesk. USAID funds their projects to help women develop personal and job skills. They are expanding to two more regions. These programs have assisted hundreds of women who are most vulnerable to trafficking.

In a very innovative move in the NIS region, the NGOs who are working on women's issues, particularly trafficking, met regularly to collaborate and address pressing issues. They changed their meeting time so Verveer could speak to them and hear about their work and concerns.

They are concerned that there is still no way to help the victims of trafficking and that needs to be addressed. They also raised the problem of the dissolution of the Ministry on

Women and Families that had the lead on trafficking. They hoped of the conference would ensure that responsibilities for coordination on trafficking would be specifically addressed.

Verveer also had a series of meetings relating specifically to micro-credit and economic development. She met with the USAID director and his economic assistant to get a status report on the new micro-credit program the President announced. In order to get started, a change in Ukrainian law is necessary so that the interest on the loans is not taxed, but plowed back into the lending fund pool. Before the President made his announcement, there were discussions to make certain the legislative changes would be supported. The USAID staff is making all the right arguments and they feel confident the RADT changes will be forthcoming.

Ted Kontek and Veneer also met with a group from Lviv who traveled to KYIV to talk about the future of their USAID supported and counterpart directed micro-credit and business incubator program. It will become self sufficient later this year and they invited the First Lady to participate in their announcement event. This is a success story that should be even more effective, if the micro lending program can get additional resources for its loan fund, for there is a backlog of qualified borrowers.

We also met with Grace Kennan who runs Winrock's small business development program. She told us micro-credit is desperately needed and should be made a top priority. She receives small funds from USAID that are available to qualified businesses through local credit unions, but doesn't come close to meeting the need. Furthermore, she said there is a critical need

for training of credit union workers. We offered to explore the possibility of Ukraine receiving training from the Poles through existing Poland – Ukraine assistance pact.

Finally we met with the Peace Corps leadership and some of the volunteers. Because the Peace Corps has several hundred volunteers working directly with the people across Ukraine, they are in a unique position to provide public awareness information on trafficking. They agreed to meet with LaStrada to see how they can be of assistance. We also agreed to explore any possible increase in the small government funds that are available to fund local projects. This could be expanded to meet additional critical needs.

Recommendations:

THE WHITE HOUSE
WASHINGTON

March 11, 1998

MEMORANDUM FOR THE SECRETARY OF STATE
THE ATTORNEY GENERAL
THE ADMINISTRATOR OF THE AGENCY
FOR INTERNATIONAL DEVELOPMENT
THE DIRECTOR OF THE UNITED STATES
INFORMATION AGENCY

SUBJECT: Steps to Combat Violence Against Women and
Trafficking in Women and Girls

As we celebrate International Women's Day today, we highlight the achievements of women around the world. We also acknowledge that there is much work yet to be done to ensure that women's human rights are protected and respected. The momentum generated by the United Nations Fourth World Conference on Women in Beijing in 1995 continues to encourage our government, as well as nations around the world, to fulfill our commitments to improve the lives of women and girls.

I have, once again, called upon the Senate to give its advice and consent to ratification to the Convention on the Elimination of all Forms of Discrimination Against Women, thus enabling the United States to join 161 other countries in support of the Convention. This Convention is an effective tool that can be used to combat violence against women, reform unfair inheritance and property rights, and strengthen women's access to fair employment and economic opportunity. Ratification of this Convention will enhance our efforts to promote the status of women around the world. As we look at Afghanistan and the egregious human rights violations committed against women and girls at the hands of the Taliban, we recognize that this is an issue of global importance.

My Administration is working hard to eliminate violence against women in all its forms. Our efforts help to combat this human rights violation around the world and here in the United States. As part of the 1994 Crime Bill, I signed into law the Violence Against Women Act. This legislation declares certain forms of

violence against women to be Federal crimes and provides for critical assistance to States, tribes, and local communities in their efforts to respond to this problem. The Department of Justice is implementing the Violence Against Women Act and working with communities across the country to promote criminal prosecution and provide services to victims. Through the Department of Health and Human Services, we have established for the first time a nationwide domestic violence hotline, so that women throughout the country can call one toll-free number and be connected to a local domestic violence support center. We have come a long way since 1994, and I am proud of our efforts.

Each day recognition of the importance of this issue grows around the world. In recent years, many countries have begun to respond to calls for legislation and government programs addressing violence against women. The international community increasingly regards violence against women as a fundamental human rights violation, an impediment to a nation's development, and an obstacle to women's full participation in democracy.

Today I am directing the Secretary of State, the Attorney General, and the President's Interagency Council on Women to continue and expand their work to combat violence against women here in the United States and around the world. We have made great progress since the enactment of the Violence Against Women Act in 1994, but there remains much to be done. We must continue to work to implement the Act fully and to restore the Act's protection for immigrant victims of domestic violence here in the United States so that they will not be forced to choose between deportation and abuse.

The problem of trafficking in women and girls, an insidious form of violence, has received a great deal of attention from the world community. This is an international problem with national implications. Here in the United States, we have seen cases of trafficking for the purposes of forced prostitution, sweatshop labor, and exploitative domestic servitude. The victims in these cases often believe they will be entering our country to secure a decent job. Instead, they are virtual prisoners, with no resources, little recourse, and no protection against violations of their human rights. My Administration is committed to combating trafficking in women and girls with a focus on the areas of prevention, victim assistance and protection, and enforcement. Our work on this issue has been enhanced by a strong partnership with nongovernmental groups and the U.S. Congress.

I am also directing the Secretary of State, the Attorney General, and the President's Interagency Council on Women to increase national and international awareness about trafficking

in women and girls. I want to ensure that young women and girls are educated about this problem so that they will not fall prey to traffickers' tactics of coercion, violence, fraud, and deceit.

I also want to provide protection to victims. And finally, I want to enhance the capacity of law enforcement worldwide to prevent women and girls from being trafficked and ensure that traffickers are punished.

Therefore, I direct:

I. The Secretary of State, in coordination with the Administrator of the Agency for International Development, to strengthen and expand our efforts to combat violence against women in all its forms around the world. These efforts should be responsive to government and nongovernment requests for partnerships, expert guidance, and technical assistance to address this human rights violation.

II. The President's Interagency Council on Women to coordinate the United States Government response on trafficking in women and girls, in consultation with nongovernmental groups.

III. The Attorney General to examine current treatment of victims of trafficking including to determine ways to insure: the provision of services for victims and witnesses in settings that secure their safety; precautions for the safe return of victims and witnesses to their originating countries; witness cooperation in criminal trials against traffickers; and consideration of temporary and/or permanent legal status for victims and witnesses of trafficking who lack legal status.

IV. The Attorney General to review existing U.S. criminal laws and their current use to determine if they are adequate to prevent and deter trafficking in women and girls, to recommend any appropriate legal changes to ensure that trafficking is criminalized and that the consequences of trafficking are significant, and to review current prosecution efforts against traffickers in order to identify additional intelligence sources, evidentiary needs and resource capabilities.

V. The Secretary of State to use our diplomatic presence around the world to work with source, transit, and destination countries to develop strategies for protecting and assisting victims of trafficking and to expand and enhance anti-fraud training to stop the international trafficking of women and girls.

VI. The Secretary of State to coordinate an intergovernmental response to the Government of Ukraine's request to jointly develop and implement a comprehensive strategy to combat

trafficking in women and girls from and to Ukraine. The U.S.-Ukraine cooperation will serve as a model for a multi-disciplinary approach to combat trafficking that can be expanded to other countries.

VII. The Secretary of State, in coordination with the Attorney General, to expand and strengthen assistance to the international community in developing and enacting legislation to combat trafficking in women and girls, to provide assistance to victims of trafficking, and to continue to expand efforts to train legal and law enforcement personnel worldwide.

VIII. The Secretary of State and the Director of the United States Information Agency to expand public awareness campaigns targeted to warn potential victims of the methods used by traffickers.

IX. The President's Interagency Council on Women to convene a gathering of government and nongovernment representatives from source, transit, and destination countries and representatives from international organizations to call attention to the issue of trafficking in women and girls and to develop strategies for combating this fundamental human rights violation.

William J. Clinton



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

• Secretary of State Madeleine K. Albright
Chair

• Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

April 11, 2000

UNCLASSIFIED

MEMORANDUM

TO: EAP - Stanley O. Roth
EUR - Marc Grossman
NEA - Edward A. Walker
WHA - Peter F. Romero, Acting
AF - Susan E. Rice
SA - Karl F. Inderfurth
S/NIS Steven Sestanovich
CA - Mary Ryan
DRL - Harold Hongju Koh
INL - Rand Beers
PRM - Julia Taft
DS - David Carpenter

FROM: S/PICW - Theresa Loar, *TL* Director

SUBJECT: U.S. Anti-Trafficking Action Plan

Attached for your information is the U.S. anti-trafficking action plan, which my office prepared for the ARIAT (Asian Regional Initiative Against Trafficking) meeting held in Manila on March 29-31. Co-hosted by the United States and the government of the Philippines, with EAP and S/PICW in close collaboration, the ARIAT meeting convened participants from over 20 East Asian and Pacific countries, Russia, Canada, and the European Union to develop practical strategies to combat trafficking of women and children. Each government was requested to submit a national plan such as the one attached.

This document summarizes what the United States is doing to combat the trafficking of persons, particularly women and children, both domestically and internationally. While it is not all-inclusive, it presents an excellent overview of the intergovernmental national strategy that the

implemented since the Presidential directive of March 1998. This directive instructed the Council, the Secretary of State, and the Attorney General to expand their work to combat violence against women and to increase national and international awareness about trafficking. The action plan highlights the multi-faceted nature of the trafficking problem and the need for interagency cooperation. It can be used as a guide for developing other regional programs against trafficking, perhaps along the lines of EAP's successful ARIAT initiative.

Together, we have made some progress in addressing this egregious human rights abuse and growing criminal activity. But much remains to be done. I look forward to our continued collaboration as we work to halt this trade in human beings.

Attachment: a/s

ASIAN REGIONAL INITIATIVE AGAINST TRAFFICKING (ARIAT)

COUNTRY PLAN OF THE UNITED STATES

INTRODUCTION

Of all the human rights abuses to which the international community has turned its attention, the trafficking of human beings, predominantly women and children, is clearly one of the most egregious. In addition, trafficking is one of the fastest growing and most lucrative criminal enterprises in the world. Profits from the industry are enormous, generating billions of dollars annually to organized criminal groups. The United States views trafficking as a global problem that must be addressed through both domestic policy as well as through coordinated international efforts. Countries of origin, transit and destination must work together in order to achieve significant progress.

The United States is primarily a destination country, although there have been cases of American women being trafficked to other countries. It is estimated that over one million women and children are trafficked around the world each year, and around 50,000 of these women and children are trafficked into the United States. Trafficked victims have traditionally come from Southeast Asia and Latin America; however, increasingly they are from the New Independent States and Eastern Europe. Women have been trafficked to the United States mainly for the sex industry, for sweatshop labor, domestic servitude, and agricultural work. The average age of the trafficking victim in the United States is thought to be roughly 20 years old.

The President, the Secretary of State, and the Attorney General have shown tremendous commitment to combating trafficking, and the Department of State, Department of Justice and other relevant agencies have made significant progress over the past two years to advance the U.S. anti-trafficking strategy set forth in a Presidential directive on March 11, 1998. The interagency approach reflects the multi-faceted nature of this problem and the need for coordination across the government.

President Clinton's directive charged the President's Interagency Council on Women with the development and coordination of U.S. domestic and international policy to reduce trafficking in women and children. The Secretary of State is the Chair of the Council and First Lady Hillary

Rodham Clinton is the Honorary Chair. To combat the problem of trafficking, the United States has developed a three-tiered strategy focused on prevention, protection and assistance for trafficking victims, and prosecution and enforcement against traffickers. This anti-trafficking policy framework is part of a broad commitment by the U.S. government to eliminate violence against women around the world.

Secretary of State Madeleine Albright has made the issue of trafficking a priority for the Department of State. Her leadership and advocacy have helped put this issue on the agenda of the world's leaders. For example, in September 1999, Secretary Albright hosted a dinner for women foreign ministers on the margins of the United Nations General Assembly meeting, at which she and her guests signed a letter to UN Secretary General Kofi Annan calling for the expeditious completion of the UN Convention Against Transnational Organized Crime and the protocol on Trafficking of Persons.

The United States intends to continue to address trafficking through a comprehensive and integrated effort emphasizing the development of both national and international capacities to combat trafficking. The United States believes that close cooperation with its Asian regional partners on practical anti-trafficking strategies and programs will result in a reduction of trafficking, as well as improved protection for its victims.

PREVENTION

1. **National anti-trafficking action plan:** President Clinton issued a directive on March 11, 1998, establishing the United States' strategy to combat the trafficking of persons around the world. The strategy involves prevention, protection and assistance for trafficking victims, and prosecution of traffickers. The three elements of the U.S. policy framework are interconnected, and it is crucial to advance each of them concurrently. The United States views trafficking as a global problem that must be addressed through country-specific, anti-trafficking initiatives as well as by regional cooperation.

The President directed the President's Interagency Council on Women, chaired by the Secretary of State, to develop and coordinate U.S. domestic and international policy on this issue. The Council chairs an interagency working group consisting of the National Security Council, the Departments of State, Justice, Labor, Health and Human Services, as well as agencies such as the Agency for International Development, the Immigration and Naturalization Service, and the Federal Bureau of Investigation.

Within the Department of State, the President's Interagency Council on Women and the Office of the Senior Coordinator for Women's Issues work with geographical Bureaus covering East Asia and the Pacific, the Near East, South Asia, Europe, Russia and the New Independent States, as well as functional Bureaus such as Democracy, Human Rights and Labor, International Narcotics and Law Enforcement, Consular Affairs, Diplomatic Security, and Population, Refugees and Migration. The Council's work has focused on ways to enhance and institutionalize the treatment of trafficking in U.S. government initiatives.

The Department of Justice investigates and prosecutes trafficking cases that occur both in the United States and abroad when the United States is affected. In January 1998, acting on a growing concern about the apparent increase in the number of trafficking incidents worldwide, the Department of Justice created the Working Group on Trafficking in Women and Children. It examines issues related to investigations and prosecutions, immigration status of victims and witnesses, victim services, outreach, and training. In April 1998, the Attorney General announced the creation of the Worker Exploitation Task Force (WETF), chaired jointly by the Acting Assistant Attorney General for

Civil Rights and the Solicitor of Labor. Drawing on the resources of the Departments of Justice and Labor, the Task Force encourages and coordinates investigation and prosecution of worker exploitation cases throughout the United States. It also conducts training for regional task forces consisting of federal agents and prosecutors. The Working Group and the Task Force have been working together to develop an effective federal response to this crime.

The United States has made considerable progress in implementing this national anti-trafficking action plan, but recognizes significant gaps, particularly in the area of protection for victims, including the possibility of temporary residency. At present, there are no shelters designed specifically for trafficking victims. Existing shelters for domestic violence victims are the only current resources available for trafficking victims. Even these shelters may face funding constraints, with limited program funds tied to assisting a specific category of people, such as juveniles or rape victims. The government must do a better job of providing streamlined procedures and specific programs for housing and handling trafficking victims.

 2. Government cooperation with international organizations, NGOs and the private sector to implement the national action plan:

The advocacy of NGOs in the United States and overseas has been instrumental in moving the issue of trafficking to the forefront of U.S. policy. The United States has close partnerships with domestic and overseas NGOs, including human rights groups, service providers and religious organizations. When the United States conducts law enforcement training with other governments on trafficking, the United States invites NGOs to meet with law enforcement and impresses on those governments the value of close cooperation.

The U.S. government has worked with religious institutions and NGOs to examine how to adapt the existing support infrastructure available for underserved populations - for example, shelters for abused women, and health and legal clinics in immigrant communities - to the particular needs of trafficked women.

The Department of Justice facilitates meetings between NGOs and governmental agencies on trafficking, such as the April 1999 meeting for government agencies to promote support service for trafficking victims.

3. Public information media campaigns to educate the public about the dangers of trafficking in general and recruiting methods in particular:

The Department of State's Bureau of International Narcotics and Law Enforcement developed a brochure entitled "Be Smart, Be Safe" targeted at potential victims. It describes the tactics that criminal groups use to traffic women, the risks of trafficking, and what women can do to protect themselves. The brochure is distributed in U.S. Embassy consular waiting rooms in the Ukraine and Poland. The brochure is being revised and translated with plans to make it available at other U.S. Embassies.

4. Media campaigns to warn potential perpetrators of legal consequences of trafficking:

Such media campaigns do not currently exist. However, should the U.S. Congress pass new legislation to address trafficking of persons, which would provide effective punishment for traffickers and a wide range of protection for victims, attendant publicity would warn potential perpetrators of the legal consequences of trafficking.

5. School programs to educate potential victims about the realities of trafficking and recruiting methods:

In that the United States is not a major source country, such school programs do not exist.

6. Compulsory education until the age of 16: Yes

7. Economic programs particularly for those women and children most vulnerable to being recruited by traffickers:

The U.S. Government sponsors microcredit programs, both in the United States and abroad, many of which are serving women. It also sponsors job skills training, small business development skills, and mentoring programs to help make potential victims less vulnerable to the lure of traffickers.

8. Centralized data collection on trafficking including incidence rates, trafficking routes, suspected traffickers, conditions of exploitation, and related criminal activity:

The United States government created the Subgroup on Alien Smuggling and Trafficking of Women and Children to work under the auspices of the National Security Council and focus on the transnational crime implications of trafficking. This process has produced the first preliminary U.S. government estimates of trafficking to the United States: 45,000 - 50,000 annually primarily from Latin America, Russia, the New Independent States, and Southeast Asia.

The Department of Justice (DOJ) does not have a specific database on trafficking. The DOJ, through its research and evaluation branch, the National Institute of Justice, is funding a study of sex trafficking in five U.S. jurisdictions.

The Department of State, Bureau of Diplomatic Security (DS), in collaboration with the Bureau of Consular Affairs, is establishing a "trafficking in Women and Children" (TIWC) analytical and investigative group. The TIWC will work with U.S. Embassies worldwide to detect and prevent visa fraud as a means of trafficking in women and children. By providing timely investigation in the United States and prompt intelligence reporting to U.S. consular officers abroad, the TIWC will provide a proactive means of detecting and preventing the exploitation of women and children by traffickers intending to bring them into the United States for illegal and abusive purposes.

9. Law enforcement training programs to ensure tighter border control and better recognition of victims as well as traffickers in order to interdict trafficking at international points of entry:

The United States emphasizes the prosecution of traffickers and protection of victims to avoid impinging on the right of women and others to freedom of movement across international borders. In August 1999, the U.S. Immigration and Naturalization Service (INS) District Director's office, together with Japanese officials and the International Organization for Migration, conducted a two-week program on Illegal Migration and Trafficking in Women and Children training program at the International Law Enforcement Academy in Bangkok. Approximately 50 immigration and border officers from most ASEAN countries participated in the

program that included topics on trafficking in women and children case studies and gender-responsive care for women and victims of trafficking.

With funding support from the U.S. Department of State's Bureau for International Narcotics and Law Enforcement Affairs, INS representatives in Vienna and Moscow hosted regional conferences on alien smuggling and trafficking in women and children for immigration and border officers. These conferences provided a venue for sharing best practices and networking. The INS District Director in Bangkok is considering hosting a similar conference this year for the ASEAN region.

PROTECTION

1. Shelters for trafficked victims:

There are limited shelters specifically designed for trafficking victims. At present, the United States government is aware of only one project specifically designed to provide shelter for trafficking victims. The Office for Victims of Crime (OVC) at the Department of Justice is funding a network of community-based service providers to provide culturally appropriate and language specific services such as mental health counseling, emergency shelter, and referrals for medical care to Asian victims of trafficking in the Los Angeles area. In addition, local victim service providers who work with battered women, survivors of sexual assault, and/or with immigrant or refugee populations may be providing shelter in certain cases. Many such service providers have agreed to serve as referral resources for the National Worker Exploitation complaint line (see #2 below). However, because these programs are not always tailored to the needs of trafficking victims, there is a need in the United States for a network of trafficking-specific programs.

2. Hotlines for victim assistance:

The Department of Justice's Civil Rights Division has established a worker exploitation complaint and rescue line to receive calls to assist trafficking victims. The Department of Justice has sought to publicize the complaint line by asking television stations and newspapers to display the toll-free number prominently in their coverage of the trafficking issue.

3. Alternatives to immediate deportation:

The Immigration and Naturalization Service (INS) has two alternatives to immediate deportation of trafficking victims under current law. The first is "deferred action," under which individuals may be permitted to remain in the United States with work authorization until INS decides to proceed with their removal from the United States. At that point deferred action is revoked, and INS may initiate proceedings for removal. This option presents certain administrative burdens and negative consequences for trafficking victims, which INS is currently working to resolve.

The second option is known as "parole," through which INS can permit an alien to enter the United States for "urgent humanitarian reasons" or "significant public benefit." Parolees are eligible for employment authorization and, therefore, are able to work while they remain in the United States. The parole period can be extended indefinitely. Once it expires, the alien is treated as an applicant for admission to the United States. Advance parole can be issued to an alien already in the United States to enable him or her to remain in the country, but the alien must leave and then reenter the United States using an advance parole document. This process is expensive and cumbersome and therefore is not the best alternative to deportation for trafficking victim-witnesses.

If statutorily subject to Expedited Removal proceedings, unless credible fear is found, then an alien is processed for removal proceedings under Section 240 of the Immigration Nationality Act, and normally released from custody. Removal may also be delayed if an alien subject to Expedited Removal is held as a witness in a criminal case, i.e., smuggling.

If the alien is statutorily subject to removal proceedings under 240, normally the alien will remain at liberty during the proceedings, which normally take several months for completion. Upon completion, the alien may be granted voluntary departure or ordered into the custody of the Immigration Naturalization Service for removal.

In the cases of temporary residents, certain waivers may apply under certain circumstances for victims of violence, who would normally be subject to conditions of their temporary residency, without the requirement for placement into immigration removal proceedings.

All aliens detained by the Immigration Naturalization Service are notified of their rights to consular protection, and the Service's obligation to facilitate communication, either mandatorily or upon request of the alien, dependant upon country of citizenship. All minors are escorted in coordination with their consulate or embassy.

4. Review of country-specific victim assistance needs:

The Department of Justice's Office for Victims of Crime (OVC) also funds state victim assistance programs that offer direct services to victims, including trafficking victims

regardless of status. Victims in the United States should contact the state program for their state of residence to see if they are eligible for counseling and other direct victim services.

The DOJ is reviewing protection and assistance needs of trafficking victims.

5. Visa/national residency provisions for trafficked victims in illegal immigration status:

Current law provides for a special "S" visa category for certain aliens who possess critical and reliable information that is essential to a criminal case and who are willing to supply or have supplied such information to U.S. law enforcement authorities or U.S. courts. Eligibility for such status is determined by the Attorney General. The "S" visa has strict standards for eligibility and is available to only 200 criminal witnesses/informants per year, with an additional 50 available for persons who possess significant information related to terrorist actions.

An alien may not initiate an "S" visa application on his/her own behalf; rather, "S" visa status must be sought for the alien by sponsoring U.S. law enforcement authorities. Current law limits the period of admission in "S" status to three years.

A new nonimmigrant category has been proposed in several draft pieces of legislation on trafficking. If this legislation is enacted, aliens, who have suffered severe physical or mental abuse in the United States as victims of criminal activity, would be eligible to obtain a "T" visa (or change to this category of nonimmigrant status, if already in the United States) if they possess information that is "material" (rather than critical information, as required in the "S" category) to a criminal investigation.

One proposal would allow for 1,000 "T" visas a year for these victims and for their family members. The "T" visas - as currently proposed - would be valid for up to three years, and could be adjusted to permanent legal status for humanitarian reasons if necessary. Once the aliens became permanent residents, there would be offsets against the annual number permitted for a country. The proposed "T" visa category is intended to assist law enforcement in the prosecution of traffickers, as it would ensure the availability of witnesses.

6. Coordination with countries of origin to facilitate return of trafficked persons as victims rather than illegal migrants:

Such coordination occurs on a case-by-case basis.

7. Counseling available for victims:

The Department of Justice's Office for Victims of Crime, Federal Crime Victims Division funds state compensation and state victim assistance programs. The Crime Victims Fund, established by the Victims Crime Act of 1984 and distributed to the states, is available to trafficking victims in terms of services but not in terms of direct funding. No state is permitted to give direct compensation to an undocumented individual, only services.

The Department of Justice is funding a pilot project using a network of community-based organizations to provide region-specific services, such as mental health counseling, emergency shelter and referrals for medical care, to Asian victims of trafficking the Los Angeles, California area. The project also includes regional meetings with service providers from across the country.

8. Medical assistance for psychological and emotional problems as well as physical needs for victims:

Medical assistance is included in the state victim assistance programs referred to in Questions 4 and 7.

9. Centers available for free legal assistance, information to victims, and access to lawyers:

These services are included in the state victim assistance programs referred to in Questions 4 and 7.

10. Protection for victims and their families from retribution by traffickers:

The Department of Justice's Office for Victims of Crime, the victim-witness coordinators from the U.S. Attorneys' offices, and victim-witness staff in other DOJ components have primary responsibility for working to ensure the safety and protection of victims.

11. How do you publicize services available to women and children in need?

While there is no ongoing media campaign, these services are publicized through the Department of Justice's hotline for victim assistance and in the course of media coverage of the trafficking issue.

REINTEGRATION

1. Programs to receive trafficking victims returned from other countries including:

Domestically, the United States has no formal reintegration programs because the number of U.S. women and children who are trafficked abroad has been relatively low to date. Every effort is made to assist such victims on a case-by-case basis.

Abroad, Americans in distress can turn to a U.S. consular officer for help. Overseas Citizens Services in the Department of State's Bureau of Consular Affairs approves repatriation loans to pay for destitute Americans' direct return to the United States. Each year over \$600,000 is loaned to destitute Americans.

2. Monitoring programs to ensure reintegration and the safety of returned victims:

No formal programs exist.

3. Government cooperation with international organizations, NGOs and the private sector to implement safe and dignified returns to home country:

Abroad, the United States has worked closely with NGOs to ensure safe and dignified returns to victims' home countries on a case-by-case basis.

4. NGO programs targeting at-risk women and children once they are returned to their home country:

The United States has funded a project by the International Organization for Migration to break the cycle of trafficking and retrafficking by arranging a safe return and offering a one-year voluntary reintegration package for trafficking victims in the Mekong Region (Thailand, Cambodia, Vietnam and Laos).

PROSECUTION

1. Laws that criminalize trafficking in women and children and contain stiff penalties:

The United States currently does not have a comprehensive trafficking law, although national legislation on trafficking is pending with the U.S. Congress. Law enforcement now relies upon a number of criminal, labor, and immigration laws to address activities involved in trafficking schemes. U.S. federal law prohibits slavery and involuntary servitude, the traveling across state or national borders for the purposes of prostitution or other criminal sexual activity, and certain immigration fraud that is often part of trafficking schemes. The Department of Justice enforces all of these statutes and has established an internal working group and, with the Department of Labor, an interagency task force called the Worker Exploitation Task Force. It is chaired by the Department of Justice's Civil Rights Division and the Department of Labor's Solicitor's Office to ensure an effective federal response to worker exploitation and trafficking in all of its forms.

2. If there are no laws, is there pending draft legislation:

Legislation has been introduced in the U.S. Congress, in both the Senate and the House of Representatives, to address trafficking in persons, especially women and children. The bills would strengthen criminal penalties against traffickers and provide a range of protections for trafficking victims. These protections include the possibility for temporary residency in the United States and eligibility for assistance, such as shelter, medical and legal assistance. The Administration is working with Congress to craft the strongest and most comprehensive legislation possible, and the passage of new legislation this year appears likely.

3. Training models for law enforcement, including border police, consular, anti-fraud, visa officers, and local police to recognize and prosecute traffickers, as well as to assist trafficking victims without treating them as criminals or illegal migrants:

Trafficking-specific training has been improved for domestic and international law enforcement, including border enforcement officers and local police, to recognize trafficking cases and to respond appropriately to help protect victims. In addition, consular personnel receive training to identify visa schemes used in the trafficking of women and children to the United States. The Consular Affairs Bureau of the Department of State has produced a manual for consular personnel clearly identifying their role in the fight against trafficking. This manual encourages outreach to other countries' consular offices to exchange information on victim assistance and on consular services' vulnerabilities to exploitation by traffickers.

The Department of Justice (DOJ) has conducted and continues to conduct workshops and training sessions at federal, state, and local conferences across the United States to raise awareness of the needs of trafficking victims, to train law enforcement and prosecutors on victims' rights, and to assist in the development of service networks for trafficking victims.

The DOJ developed training videos for federal law enforcement agencies, including the Immigration and Naturalization Service, on the needs of victims in trafficking cases, the details of victims' rights laws, and steps law enforcement officers must take to assist victims.

The DOJ's Civil Rights Division, in cooperation with the Department of Labor and the President's Interagency Council on Women, developed training material for law enforcement officers who may come into contact with trafficked women and children so that they can intervene appropriately to protect victims from further harm.

The Department of State's Bureaus of Diplomatic Security and International Narcotics and Law Enforcement have also provided and sponsored international training for law enforcement personnel on the investigation of passport, visa and identity document fraud to combat smuggling and trafficking in human beings. Future training on these topics is also planned within and outside the International Law Enforcement Academies.

4. Institutionalized procedures for investigations and prosecution of cases involving trafficking including witness protection programs:

The Attorney General issued new national procedures developed by the Worker Exploitation Task Force to standardize and institutionalize regional procedures for investigations and prosecutions of cases involving exploitation, including trafficking cases.

The Departments of Justice and Labor's Worker Exploitation Task Force has made great strides in the development of national trafficking-specific training for their enforcement officials.

The Department of Justice operates a witness protection program that is available for witnesses in organized crime cases. This program would be available to most trafficking victims, if they are willing to meet the restrictions of the program.

5. Training for police, judges and prosecutors on rule of law and anti-corruption issues:

Trafficking depends heavily upon official corruption to facilitate its success. The Department of State organized and hosted Vice President Gore's Anti-Corruption conference in February 1999, and will cosponsor with the Netherlands the second global forum on fighting corruption in late May at The Hague. Follow-up activities include targeting the nexus between corruption and trafficking.

The Department of Justice developed training videos for federal law enforcement officers, including the Immigration and Naturalization Service, on the needs of victims in trafficking cases, the details of victims' rights laws, and steps law enforcement officers must take to assist victims.

6. Regional law enforcement cooperation to disrupt trafficking routes and criminal activity:

The Department of Justice (DOJ) participates in the Interpol Standing Working Party on Offenses Against Children. The DOJ continues follow-up and implementation projects from the First World Congress Against the Sexual Exploitation of Children, Stockholm, Sweden, in August 1996.

The Department of State participates in ongoing regional migration fora which include alien smuggling and trafficking in women and children issues. The Regional Conference on Migration consists of representatives from Central America, the Dominican Republic, Mexico, Canada and the United

States. The Budapest Group includes Central European countries and the European Union (the United States is an observer). The Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC) provides an informal setting for immigration and foreign affairs officials to discuss the latest issues affecting their respective countries.

7. How does your government publicize prosecutions:

The Department of Justice issues press releases to the print and electronic media each time a significant indictment or conviction is obtained in a trafficking case.

1. Which of the four areas of trafficking is your government most concerned about?

In response to a Presidential directive to address the problem of trafficking almost two years ago (March 1998), the United States has adopted a comprehensive and integrated anti-trafficking policy framework based on prevention, protection and assistance for victims, and prosecution and enforcement against traffickers. These three elements of U.S. policy are interconnected and the United States strives to implement policies that advance all of them. The following is a sampling of U.S. anti-trafficking programs and international cooperation.

PREVENTION OF TRAFFICKING IN HUMAN BEINGS

- The U.S. has increased its emphasis on economic opportunity and social development programs for women in source countries to provide economic alternatives to counter the lure of leaving their home countries or communities to look for employment. For example, the U.S. Agency for International Development is sponsoring a consortium of NGOs in the Ukraine to provide job skills training, small business development skills and mentoring for women.
- The U.S. funds public awareness campaigns throughout source countries of the Former Soviet Union and Europe, warning potential victims of methods used by traffickers.
- The United States developed a brochure entitled "Be Smart, Be Safe" targeted to potential victims describing the tactics that criminal groups use to traffic women, the risks of trafficking, and what women can do to protect themselves.

PROTECTION AND REINTEGRATION ASSISTANCE FOR TRAFFICKING VICTIMS

- The United States has allocated funds to the Mekong Region (Thailand, Cambodia, Vietnam, and Laos) in order to provide return and reintegration assistance to victims of trafficking.
- The U.S. has allocated funds to return trafficked migrants from Bosnia and Herzegovina. The project will put in place mechanisms and procedures for the orderly and safe return of trafficked victims to break the cycle

of trafficking and re-trafficking of women who have been entrapped in the sex industry.

- The Department of Justice is funding a pilot project using a network of community-based organizations to provide region specific services, such as mental health counseling, emergency shelter, and referrals for medical care, to Asian victims of trafficking in the Los Angeles area and is planning regional meetings with service providers across the country.

PROSECUTION OF/AND ENFORCEMENT AGAINST TRAFFICKERS

- The Attorney General created a Department of Justice Working Group to address this issue and, with the Department of Labor, created a Worker Exploitation Task Force that is strengthening the Administration's response to trafficking cases.
- In July 1999, the United States together with Japanese officials and the International Organization for Migration, conducted a two-week training program on Illegal Migration and Trafficking in Women and Children at the International Law Enforcement Academy in Bangkok.
- The Gore-Kuchma Commission established a law enforcement working group, which is cooperating on combating organized crime, including trafficking of women. This cooperative effort will include training programs for Ukrainian law enforcement officials.

INTERNATIONAL COOPERATION

- In April 1998 at the UN Commission for Crime Prevention and Criminal Justice, member states adopted a resolution on trafficking in women and children. As a result, a UN Protocol on Trafficking in Persons, Especially Women and Children, is currently being negotiated. This protocol will supplement the UN Convention on Transnational Organized Crime. The United States is working with over 100 countries to ensure the Convention and the trafficking protocol will be ready for ratification by governments in September 2000.
- The United States funds programs through the International Labor Organization's (ILO) International Program on the Elimination of Child Labor (IPEC) to combat sexual exploitation of children. Since 1995, the

Department of Labor has funded programs in countries such as Nepal and Thailand that aim to strengthen Government and NGO capacity to combat trafficking of children for sexual exploitation, support public awareness campaigns against child prostitution, and promote alternatives such as education for these children.

- At the November 1999 OSCE summit, the United States underscored the threat of trafficking in the OSCE region and joined other summit participants in calling for the implementation of the Action Plan to Combat Trafficking by all OSCE member states.
- The United States and Italy continue to cooperate on the bilateral Initiative to Combat Trafficking in Women and Children signed by President Clinton in 1998. The joint campaign targets data collection, the protection of the rights of victims, and training for law enforcement.
- Since 1998 the U.S. Embassy in Nepal has carried out a program to combat trafficking. Six U.S. government agencies cooperate with the government of Nepal to help prevent trafficking, protect the victims and prosecute traffickers. Programs in Nepal strike at the sources of trafficking through poverty alleviation and rural income generation.

2. What are your government's "best practices" and success stories in reducing the trafficking of women and children?

Domestically, the United States has been able to achieve considerable progress in implementing its anti-trafficking strategy through the close coordination and cooperation of many federal and local agencies. The use of an interagency working group focused exclusively on the problem of trafficking of human beings with a single office in the lead (President's Interagency Council on Women) facilitated this cooperation and proved to be key to integrating efforts and resources.

At present, the Administration is working closely with the U.S. Congress to craft the strongest and most comprehensive anti-trafficking legislation possible, and prospects for passage of new legislation this year appear likely. The pending legislation would strengthen criminal penalties against traffickers and provide a range of protections for trafficking victims. These protections include the opportunity for temporary residency in the United States and

eligibility for assistance, such as shelter and medical and legal assistance. The passage of this legislation would profoundly advance U.S. efforts to reduce the trafficking of women and children.

Internationally, the United States has had success with public information campaigns to sensitize the general public to the dangers of trafficking and to publicize assistance programs, such as hotlines, shelters, and involved NGO's. Other **best practices** on an international level include law enforcement cooperation particularly in the areas of information sharing and joint training. Working with other countries to promote anti-trafficking initiatives in multilateral fora is also useful in addressing the transnational ramifications of the problem.

There were **successful prosecutions** against traffickers in the United States in the following cases:

- Some 70 hearing-impaired and mute Mexican nationals were recruited in their homeland, brought to the United States, enslaved, beaten and forced to peddle trinkets in New York City and other cities. In New York, twenty persons were indicted on charges of aiding and abetting; conspiracy; the bringing in, transporting, harboring, and inducement to enter of illegal aliens; the interference of commerce by threats or violence; and involuntary servitude. The ringleader received 14 years in prison, with the co-conspirators receiving one to eight year sentences depending on their involvement in the criminal scheme. In Charlotte, two defendants in the case pled guilty to aiding and abetting; conspiracy; and the bringing in, transporting, harboring and inducement to enter of illegal aliens. One defendant received a prison term of almost four years; the other received three years and four months.
- Thai garment workers were held captive in El Monte, California. Seven defendants were convicted of alien smuggling, involuntary servitude, and civil rights violations. They received sentences ranging from four to seven years, with one defendant receiving seven months. Restitution in the amount of \$4.5 million was ordered for the victims.
- Teenage Mexican girls were held in slavery in Florida and the Carolinas and forced to submit to prostitution. In March 1998, 16 men were indicted in Florida for enslaving the Mexican women and girls in brothels. The men were charged with importing aliens for immoral purposes,

transporting women and minors for prostitution, involuntary servitude, visa fraud, conspiracy, and violation of civil rights. The defendants' sentences ranged from two to six years with one ringleader receiving 15 years. The judge ordered that the trafficking organization pay \$1 million dollars in restitution.

- Russian and Latvian women were forced to dance nude in Chicago. According to charges against the traffickers, the traffickers picked the women up upon their arrival at a U.S. airport, seized their documents and return tickets, locked the women in hotels or other locations, beat the women and told them that if they refused to dance nude in various nightclubs, then the Russian Mafia would kill their families. Two Russians and two Latvians were arrested for a variety of offenses including peonage, conspiracy to commit offense or fraud, and obstructing law enforcement. The arrests resulted in the recovery of 11 weapons, ammunition, documents and photographs identifying additional victims.
- Over a period of three years, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for dancing were forced to dance nude and be fondled for money. Two defendants in the case received sentences for approximately five years incarceration for trafficking women into the United States for prostitution or other immoral purposes, and two additional defendants were charged with witness tampering.
- In November 1998, three individuals were indicted in the Northern Mariana Islands for luring women from China with promises of waitressing jobs and then forcing them to work as "bargirls" and have sex with customers. All three pled guilty in October 1999 to conspiracy to violate the 13th Amendment and laws governing involuntary servitude, extortion and transportation for illegal sexual purposes. The leader received a nine year sentence in prison, his wife a five year sentence, and their son a three year sentence.

3. How are the non-government organizations (NGOs) effectively involved?

NGOs in the United States were instrumental in bringing the issue of trafficking to the forefront of U.S. domestic and foreign policy. NGOs have courageously convened fora, produced moving documentaries and accurately reported the

horrors faced by trafficking victims. U.S. NGOs remain actively involved both at home and abroad in the fight against trafficking and in assisting victims. The United States is committed to a close partnership with NGOs as it develops U.S. policy and programs.

This partnership is an open and transparent process. The President's Interagency Council on Women and the Office of the Senior Coordinator for International Women's Issues at the Department of State conduct public briefings at the Department of State every three months on a range of issues, including trafficking. Just last month, over 400 participants attended a general briefing at the Department of State followed by a separate session on trafficking. The Council posts summaries of the NGO briefings on its website to extend its outreach to interested parties across the United States and around the world.

4. What are your government's unmet needs in the fight to reduce trafficking women and children?

The passage of national legislation against trafficking is crucial to the success the United States can achieve in the fight to reduce trafficking of women and children, to protect and provide assistance to its victims, and to prosecute the traffickers. The prospects for passage this year appear good.

5. Does your government have any expectations for the ARIAT meeting or meeting or any questions you would like to ask the co-hosts?

In that traffickers in women and children, much like narcotics traffickers, operate boldly across international borders, the United States strongly believes that all countries - whether they be countries of origin, transit or destination - must collaborate to combat the trafficking problem. The United States greatly values the opportunity to work with the nations of the Asia Pacific region to build on and augment the Bangkok Declaration of April 1999 by developing practical strategies for national and regional action to reduce trafficking.

Article 10

9/20

INTERNAL DRAFT – NOT FOR DISTRIBUTION

The United States is currently negotiating a UN Convention against Transnational Organized Crime. One of its main objectives is to reach consensus on a protocol to combat trafficking in persons, especially women and children. By requiring participating countries to punish the perpetrators and help the victims, this treaty potentially represents an historic step forward in our global efforts to help the over one million victims every year – with women and girls being the predominate targets of traffickers – who are trafficked into modern slavery.

In the first week of October, negotiators from over 100 countries will finalize negotiations on the following definition of trafficking:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring, 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 of 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, [use in prostitution or other forms of] sexual exploitation, forced labour or services, slavery or practices similar to slavery, [or servitude][or removal of organs for illicit purposes].

The elements of this definition remain controversial fueled by a bitter division in perspective between NGOs about the proper scope of trafficking, who should be considered a trafficker and who should be considered a victim. The U.S. position in the negotiations is being criticized by both sides of the NGO debate.

Unfortunately, some have waged a misinformation campaign against it and the United States policies. Many of their claims are misleading. Some are blatantly false.

It is important to separate the myths from the facts.

What is sought by some NGOs, led by Equality Now :

Equality Now seeks addition of two items of bracketed language in the definition of trafficking. The first is “inducement” and the second is “irrespective of the victim’s consent.” We oppose adding the first and have said we could support the second. EN says we should take lead for “broader” definition to include “millions of women who find themselves in the commercial sex trade due to economic desperation as opposed to force, fraud, or coercion . . .”

"Inducement"

Background:

Led by EN, some NGOs are urging that the term "inducement" be added into the definition of trafficking. They assert that opposition to adding inducement means that the United States opposes a broad definition of trafficking. (This assertion then gets extended to allegation that the U.S. position is pro-prostitution.)

In the previous round of negotiations, it was clear that countries had enough of a difference of views that consensus could not be reached to include "inducement" in the definition. At that point, countries supporting its inclusion, moved toward consensus to have the term dropped. A single country (Philippines) blocked consensus to have "inducement" deleted in the last U.N. negotiating round.

Position:

- The United States opposes including "inducement" in the definition of trafficking.
- Insertion of "inducement" renders the definition over-inclusive. If the term "inducement" is inserted into the protocol, it will mean that the crime of trafficking includes all acts involving inducement for the purpose of exploitation.
- It is overinclusive because laws against exploitation, including sexual exploitation, are necessary; but not every incidence of "induced" exploitation is trafficking any more than every crime of violence against women is trafficking. The Department believes that it is not helpful to our anti-trafficking efforts to push definitions that would sweep in conduct that is not trafficking.
- The goal of some of the NGOs is to extend trafficking to the millions of women who end up in the sex industry due to economic pressures. One can agree that these women are exploited and are the target of violence within the context of prostitution or pornography or exotic dancing without agreeing that they should be considered trafficked.
- As a matter of law enforcement, prostitution in the U.S. remains largely illegal and the EN position would grant all men and women in prostitution and other illegal activities within the commercial sex industry an immunity from law enforcement consequences based upon involuntariness due to economic duress. The minimal requirement of deception, fraud, coercion or force etc. solves this issue for countries like the United States where law and policy declare these activities illegal.
- This also will have protection implications: The United States Congress is trying to limit providing temporary residency for all of the enslaved trafficking victims in the United States. The lesson is that countries generally will not be willing to grant the

hard-won benefits and assistance called for in the protocol for trafficking victims (who have been coerced or deceived) to all of the men and women in their respective countries who claim to have been "induced" into the commercial sex industry (including: temporary/permanent residency, eligibility for federal assistance despite illegal status, shelter, legal services, etc.)

- There is reason to be deeply concerned that as a practical matter many countries will fail to ratify or implement a law enforcement protocol that essentially mirrors the ineffective 1949 Convention relied upon by EN.
- Resource implications: There are over one million victims of trafficking added annually to the millions who already fall within the protocol definition requiring coercion or deception. Limited resources will be less available to victims of the worst cases of trafficking. This concern is one that human rights NGOs have strongly expressed.)
- The United States position is squarely aligned with most countries of the G-8 as well as the G-77 who found resolution of this question blocked by one country.
- NGOs in the United States and in other countries who work most on the trafficking issue and most closely with trafficking victims oppose the inclusion of "inducement" in the definition of trafficking. The Justice Department and U.S. prosecutors who work on these cases oppose including "inducement."

"Irrespective of Consent"

- This should not be a continuing issue for the United States. When this language was introduced at the last negotiating session, the United States indicated that it could support it.
- In indicating support, the United States expressed our nation's clear policy and law that in crimes of exploitation or slavery, defendants are not able to avoid prosecution and conviction because they claim their victim consented to the exploitation or slavery.
- The language remains bracketed because many countries expressed concern about this proposed language as being too broad to be included in the trafficking definition.
- EN's main criticism appears to be that the U.S. is not leading the fight to convince other countries to get the brackets removed.
- Some human rights organizations are critical of the United States indicating that it supports this language.

The UN protocol will not narrow the international legal framework of sex trafficking as set forth in the 1949 Convention.

The assertion that the the United States position will narrow existing international law against trafficking is wrong. The United States deplores the exploitation of women in any form, including prostitution. Nothing involving the protocol negotiations is inconsistent with that.

First, the protocol clearly states that these international treaties – and the obligations they impose on participating countries – must remain unchanged.

Second, the Secretary has indicated that the United States would not agree to a treaty that weakens existing prostitution laws here or around the world.

Third, the US delegation issued a statement during UN Negotiations reiterating it opposition to exploitation of prostitution, etc.

Fourth, the 1949 Convention relied upon by EN is completely ineffective because it is not widely accepted in the international community (no more than 72 countries have signed it). not U.S.?

Fifth, the 1949 Convention, entitled “The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others” appears to recognize that the exploitation of the prostitution of others should be addressed by countries, but is not necessarily trafficking, which is the U.S. position.

Sixth, the most prominent human rights organizations working on trafficking dismiss the 1949 Convention as inoperative and defective.

Seventh, even if the 1949 Convention had the force of international agreement, there is nothing inconsistent about having another stronger international instrument, to supplement the 1949 Convention.

Eighth, in order to ensure coverage sought by EN, the U.S. has proposed language to add to the law enforcement section of the protocol that mirrors the 1949 Convention calling upon countries to criminalize transporting persons across international borders for the purpose of the exploitation of prostitution.

It is incorrect to characterize the U.S. position as supporting a narrow “force-based” definition

- Another assertion made is that trafficking should be based on exploitation rather than be limited to the “forced-based” approach, allegedly championed by the U.S. This is a misrepresentation of the protocol and the U.S. position.

- The crime of trafficking in the protocol does not require coercion. Language agreed to in the protocol states that trafficking includes "threat or use of force, by abduction, by fraud, deception, coercion, the abuse of power, or by giving or receiving of payments of benefits to achieve the consent of a person having control over another person . . ."
- The range of cases that this covers shows that it is extremely broad. Recruiting a person by deception or fraud – a very low threshold -- for the purpose of exploitation is all that is necessary to be prosecuted for trafficking.
- ✓ Trafficking would include situations where an adult has been deceived about anything involving the exploitation into which he or she is trafficked, even in the context of "voluntary" prostitution to which he or she consented. Parents "consenting" to sell their child would be trafficking. Trafficking of children would not require any deception or coercion.
- This language has achieved consensus. Both G-77 and G-8 countries have agreed to including this language in the definition. Both the UN High Commissioner for Human Rights and the Special Rapporteur on Violence Against Women made statements at the negotiations supporting the definitional approach of including coercion, deception, etc. as minimum elements for trafficking.
- The NGO community is bitterly divided on this issue. We have received a letter from a number of NGOs, prominent in their involvement in the trafficking issue, urging the opposite view advanced by EN.
- Finally, the legislation passed by the Senate and House are both limited operationally to trafficking involving force, coercion or fraud. Congress is not creating additional enforcement tools or extending protections and assistance to the men and women EN want included in the trafficking definition.

The claim that the United States position is "pro-prostitution" and seeks to legalize prostitution is ridiculous.

- No basis for this assertion.
- From a criminal law standpoint, prostitution is illegal in the United States (except for two counties in Nevada). The United States has perhaps the most far-reaching prostitution laws in the world. From a policy standpoint, the United States deplores the exploitation of women in any form, including prostitution.
- Under the current unbracketed protocol language, trafficking would include situations where an adult has been deceived about anything involving the exploitation, which he or she is trafficked into, even in the context of "voluntary" prostitution to which he or

she consented. Parents "consenting" to sell their child would be trafficking. Trafficking of children would not require any deception or coercion.

The United States position does not create a loophole that will allow traffickers to escape prosecution.

- The Department of Justice, which prosecutes these cases, rejects this assertion. Prosecutors will be able to prosecute and convict traffickers.
- The assumption is that criminals are not prosecuted for the offenses EN is concerned about unless they are declared to be traffickers. But a trafficking law is only one of many criminal laws that a country has at its disposal in these situations. In the United States, the crimes that may be charged include: involuntary servitude, peonage, the Mann Act, slavery, smuggling, document fraud, extortion, harboring for prostitution, sexual abuse, etc. There is no loophole.

The protocol focuses on the criminal actions of the traffickers, not the state of mind of the victim.

The assertion is that the U.S. position focuses on the state of mind of the victim rather than the actions of the traffickers. This charge has two aspects: 1) that the victim shouldn't bear the burden of proving trafficking cases and 3) that cases become "he-said, she-said" that will make convictions harder.

- The Justice Department supports the protocol language and rejects the assertion that prosecutions will be hindered. The Justice Department disputes that cases will hinge on the subjective state of mind of the victims to the exclusion of objective evidence. Moreover, the Justice Department's experience in these cases is that there is usually overwhelming amount of evidence of coercion or deception.
- First these cases are prosecuted using evidence based upon the totality of the circumstances. Objective evidence is relevant and utilized. Thus, the argument suggesting that a trafficker can merely manufacture a consent form to avoid prosecution is preposterous. No purported consent form could establish an agreement to be sold into prostitution or other activity, or to be imprisoned, to have one's passport confiscated to ensure compliance, to be held in bondage until one has worked off some arbitrary and exorbitant debt, or to be beaten, raped, or killed for resisting. Attempting to manufacture consent would be impossible.
- Second, trafficking cases typically involve multiple victims, often hundreds. It is factually wrong to suggest that these are "he-said, she-said" cases which women are more likely to lose (in this respect these are not analogous to the historic treatment of domestic violence cases).

- Third, if this were not enough, the draft protocol is clear that “[t]he knowledge, intent or purpose required to commit an offense set forth in article 2 bis of this protocol may be inferred from objective factual circumstances.”

**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. If this position were adopted, prostitution would never be a crime for the woman (or a man) because, as a matter of law, she could never consent to prostitution.

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 all persons engaged 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. [For example, 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 to trafficking only when it involves coercion, force or fraud – in short, a definition like the one the US and many other countries are 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 who transport persons across international borders, 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. (Also, see above points on smuggling protocol)

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 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 (and one of three protocols to the U.N. Convention Against Transnational Organized Crime), 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.

June 21, 1999

The Honorable Paul Wellstone
United States Senate
136 Hart Senate Office Building
Washington, DC 20510-2303

The Honorable Louise Slaughter
United States House of Representatives
2347 Rayburn House Office Building
Washington, DC 20515-3228

Dear Senator Wellstone and Representative Slaughter:

We the undersigned human rights and women's human rights groups are writing to express our support and appreciation for your leadership in protecting the rights of women and girls in the context of trafficking and the exploitation of labor. We felt it timely to emphasize our support for key elements of Senate Bill S. 600, the "International Trafficking of Women and Children Victim Protection Act of 1999" as your office prepares for debate on the bill.

In particular, we wish to commend the definition and scope of the bill for responding to the human rights needs and situations of trafficked persons. The bill recognizes that women and children move and are moved to perform a broad range of paid and unpaid services in such situations as sweatshops, forced prostitution, and domestic servitude. The bill also directly addresses the gender-based abuses and exploitation they face, as well as their great difficulty seeking assistance because of such factors as their gender, their illegal status, and their poverty. This is a crucial step toward attacking the cycle of trafficking given that efforts to monitor this abuse internationally have revealed that it rests on the exploitation of women's labor through debt bondage and other forms of involuntary servitude and that women are seldom able to hold their abusers to account.

By focusing on the abuses—force, deceit, coercion, violence, and structures of servitude such as debt bondage—this bill seeks to provide remedies to persons in dire need. The provisions further respect and promote their essential human rights, including their rights to freedom of movement, integrity of the person, and their labor rights, as well as other key rights of privacy and information that promote human dignity and autonomy. We applaud your decision to focus the bill on all these forms of labor, and to base it in key international standards on forced labor, slavery, and contemporary forms of slavery. This focus keeps deserved attention on the abuses against migrants that occur within forms of economic exploitation on the basis of gender, including rape, involuntary servitude, kidnapping, slavery, and other crimes. Moreover, your bill importantly concentrates on the abusive actions of persons involved in the trade and exploitation of others, and sets up a regime of investigation and punishment.

Senator Wellstone and Representative Slaughter

June 21, 1999

Page 2 of 2

As you know, many human rights and women's rights organizations that work on trafficking and related abuses have noted the shortcomings of the standards in the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In fact, the United Nations Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, has also recognized the limits of this Convention and called for a review of existing standards with an eye toward improving human rights protections for all people who are trafficked into various forms of forced labor. This review and the work of organizations around the world seek to address the range of economic, legal, political, and discriminatory practices that put women at risk of abuse in many forms of labor, in their original locales and in their destinations. Your initiative, if adopted, would significantly contribute to these efforts, and therefore to the rights and freedoms of persons around the world.

We would be happy to have further conversations with you as the bill progresses, regarding the scope of assistance or specific issues raised by the implementation of the bill through domestic regulations,

Sincerely,

Charlotte Bunch, Executive Director, Center for Women's Global Leadership

Mary Diaz, Executive Director, Women's Commission for Refugees Women and Children

Steven Galster, Executive Director, Global Survival Network

Sofia Gruskin, Acting Director, Francois Xavier-Bagnoud Centre for Health and Human Rights

Gay MacDougal, Executive Director, International Human Rights Law Group

Dr. Kathryn McMahon, Steering Committee Member, Coalition to Abolish Slavery and Trafficking

Alice Miller, Fellow, Program for the Study of Sexuality, Gender, Health, and Human Rights, Joseph L. Mailman School of Public Health, Columbia University

Catherine Powell, Human Rights Institute, Columbia Law School

Regan Ralph, Executive Director, the Women's Rights Division of Human Rights Watch

Margaret Schuler, President, Women, Law and Development International

Donna Sullivan, Professor, International Human Rights Law Clinic, New York University School of Law

Carole Vance, Director, Program for the Study of Sexuality, Gender, Health, and Human Rights, Joseph L. Mailman School of Public Health, Columbia University



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

• Secretary of State Madeleine K. Albright
Chair

• Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

Testimony of Anita Botti
Deputy Director for International Initiatives
President's Interagency Council on Women

Before the
Hearing on "The Sex Trade: Trafficking of Women
and Children in Europe and the United States"

Helsinki Commission, OSCE
June 28, 1999

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

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

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

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

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

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

broader commitment to eliminate violence against women around the world.

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

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

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

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

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

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

involuntary servitude or other forms of slavery-like conditions.

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

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

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

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

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

Achievement of progress on eliminating trafficking requires cooperation among states. The OSCE is an organization founded on the principle of cooperation. This concept is not abstract. From my participation in meetings, I can

attest to the high quality of debate in OSCE fora. More importantly I can attest to the willingness of States to work together to tackle this problem.

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

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

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

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

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

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

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

Fourth, we will use OSCE fora to strategize about how OSCE participating States can effectively cooperate to combat trafficking. I came away from the recent Vienna meeting impressed by the potential the OSCE offers to bring all the players together. The State Department is committed to

working with you and your staff to tap that potential in the fullest possible way.

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

- We are developing and implementing a comprehensive and integrated strategy with the government of Ukraine to combat trafficking.
- The United States and Italy have launched an initiative focusing on the protection of victims, cooperation with NGOs, training for law enforcement, and strengthening cooperation of our criminal justice systems.
- Recently, the United States and Finland agreed to collaborate on an initiative to assist in the prevention of trafficking and violence against women in the Baltic countries.

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

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

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

**TESTIMONY ON TRAFFICKING IN WOMEN AND
CHILDREN**

**BY THERESA LOAR
DIRECTOR, PRESIDENT'S INTERAGENCY COUNCIL ON
WOMEN AND
SENIOR COORDINATOR FOR INTERNATIONAL
WOMEN'S ISSUES
U.S. DEPARTMENT OF STATE**

**BEFORE REPRESENTATIVE CHRISTOPHER SMITH
HOUSE SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND HUMAN RIGHTS**

SEPTEMBER 14, 1999

9/14/99

Chairman Smith, thank you for the opportunity to testify this afternoon on the problem of trafficking in women and children around the world and the implementation of the United States strategy in combating this problem.

Of all the human rights abuses to which the international community has turned its attention, the trafficking of human beings, predominantly women and children, is clearly one of the most egregious violations of our time. In addition, trafficking is one of the fastest growing and most lucrative criminal enterprises in the world.

The President, the Secretary of State, and the Attorney General have all shown tremendous commitment to this issue and the Department of State, Department of Justice and other relevant agencies have made significant progress over the past year to advance the United States anti-trafficking strategy set forth in a Presidential directive of March 11, 1998.

Mr. Chairman, your efforts to focus attention on this important issue are welcome. Your advocacy during international travel and your consistent attention to the needs of victims will continue to be crucial to accomplishing our shared goals. We look forward to working closely with the House of Representatives and the Senate to begin to craft legislation that will support and advance the U.S. policy framework to prevent trafficking, fight traffickers and protect victims.

The President's Interagency Council on Women is a task force of high-level representatives from across the Executive branch charged with implementing the *Platform for Action*, adopted at the 1995 United Nations Fourth World Conference on Women in Beijing.

The Secretary of State is the Chair of the Council and the First Lady is the Honorary Chair. The President has directed the Council to lead the development and coordination of U.S. domestic and international policy on trafficking in women and children. As Director of the Council, I see the Council's work on trafficking as part of our government's broader commitment to eliminate violence against women around the world. As Senior Coordinator for

International Women's Issues, my work on trafficking is a vital part of my mandate to promote women's human rights within U.S. foreign policy.

The Council has been actively mobilizing the expertise and resources across the Executive Branch to combat trafficking. The Council coordinates the efforts of the Departments of State, Justice, Labor, and Health and Human Services, USAID and the U.S. Information Agency. Within the Department of State, the Council and the Office of the Senior Coordinator work with bureaus covering East Asia and the Pacific, the Near East, Europe, Russia and the Newly Independent States, and South Asia and functional bureaus such as Democracy, Human Rights and Labor, International Narcotics and Law Enforcement, Consular Affairs, Diplomatic Security and Population, Refugees and Migration. The Council's work has focused on ways to enhance and institutionalize the treatment of trafficking in U.S. government initiatives.

Mr. Chairman, we gratefully acknowledge your efforts in meeting with trafficking victims to deliver the strong message of U.S. support and concern. Members of the Council interagency team also have met face-to-face with trafficking victims from countries such as Albania, Ukraine, Nigeria, Mexico and Thailand. These encounters, always heartbreaking and sometimes involving personal risk to the trafficking victims, have only deepened our resolve to use the full force of our government to combat this modern form of slavery.

Our interagency approach reflects the multi-faceted nature of this problem and the need for coordination across the government. We intend to continue to address trafficking through this comprehensive and integrated effort.

Today, Mr. Chairman, I would like to share with you a little about the nature and scope of trafficking, the three part strategy which the President's Interagency Council on Women and the Office of the Senior Coordinator for International Women's Issues have adopted to combat this problem and how we are working throughout the Department of State and the U.S. government to implement this strategy domestically and internationally. I will also describe our partnership with the NGO community.

Nature of the problem

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

The problem of trafficking involves the recruitment, transport, harboring, transfer, sale or receipt of persons through coercion, force, fraud or deception for the purpose of placing persons in situations of slaves or slavery-like conditions such as forced prostitution, domestic servitude, bonded sweatshop labor or other debt bondage. Trafficking may occur across international borders or within the boundaries of a single country.

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

Trafficking victims suffer extreme physical and mental abuse, including rape, torture, starvation, imprisonment, death threats and physical brutality. Women and children trafficked into the sex industry are exposed to deadly diseases, including HIV and AIDS. Victims trafficked into domestic servitude, bonded sweatshop labor and other industries are subjected to violence and sometimes literally worked to death.

Although trafficking in women and children is sometimes characterized as a "women's issue" it is in fact a global issue, involving human rights, economics, migration, transnational and local crime, labor and public and individual health.

Scope of the problem

It is estimated that over one million women and children are trafficked around the world each year. According to these estimates, over 50,000 of these women and children are trafficked into the United States, primarily from the former Soviet Union and S.E. Asia. Russia, Ukraine and Poland are major countries of origin in Central and Eastern Europe. A number of the cases prosecuted by the Department of Justice have involved traffickers from Mexico. It is worth noting that of these

estimated 50,000 approximately half are trafficked or coerced for bonded sweatshop labor and domestic servitude.

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

Traffickers themselves are often engaged in more than one kind of trafficking because they follow the profits. For example, we see cases where girls are lured from a village and the traffickers force some of the girls to work in domestic servitude or carpet weaving, while others, considered more attractive, are culled out and sold to brothels. Thus, in the fight against trafficking, there are practical reasons why the United States does not limit its efforts to one form of trafficking over another form.

Consider these examples of trafficking which have already been prosecuted in the United States:

- Hearing-impaired Mexicans were recruited in their hometowns, brought to the United States, enslaved, beaten and forced to peddle trinkets in New York and other cities;
- Thai women, some of whom came to the United States legally, were held captive and forced to work as garment workers in El Monte, California;
- Teenage Mexican girls, believing that they were going to obtain jobs as waitresses, in child and elder care and in landscaping, were held in slavery upon arrival and forced to submit to prostitution in Florida and the Carolinas or risk harm to themselves or their families. Girls who attempted to escape were subjected to beatings, confinement, and threats;
- After being promised good paying restaurant jobs, Thai women were forced into prostitution upon their arrival in New York;

- Latvian nationals in Chicago were coerced into the sex industry by threats of violence from the Russian Mafia. The traffickers picked the women up upon their arrival at the airport, seizing their documents and return tickets, locking the women in hotels or other locations, beating the women and telling them if they refused to work in various nightclubs, the Russian Mafia would kill their families;
- Mexican agricultural workers were recruited, smuggled and forced to work to repay smuggling "debts" in South Carolina.

My colleague, Assistant Secretary of State for Human Rights, Democracy and Labor Harold Koh, respected as one of the world's leading authorities on human rights, has discussed the trafficking information contained in the State Department's *Country Reports on Human Rights Practices*. These reports and NGO reports confirm that trafficking presents itself in a broad array of forms in countries around the world, involving men, women and children.

Root causes

What is it that drives trafficking in women and children? Economic desperation is a primary cause. For the women and girls who are the targets of the traffickers, poverty and lack of economic opportunity are major forces propelling the trafficking industry. Traffickers capitalize on rising unemployment and lack of viable economic opportunities in countries of origin, as well as the low status of women in many countries. Children, and girls in particular, are pulled out of school early, enhancing the likelihood that they will fall into the hands of traffickers. In many cases, particularly in the former Soviet Union and Europe, victims are lured into trafficking schemes through false promises of employment as teachers, domestic workers, factory workers, nannies, waitresses, sales clerks, dancers or models and forced into the sex industry or domestic servitude.

Elsewhere, families sell their daughters to traffickers who sell them to brothels or to work in factories or in carpet weaving. Workers are trapped in

bonded labor in garment factories or on farms trying to escape the economic desperation in their own countries.

For the traffickers, it is primarily about high profits and low risk. The trafficking industry is one of the fastest growing and most lucrative criminal enterprises in the world. Profits from the industry are enormous, generating billions of dollars annually to organized criminal groups. Trafficking in women and children is now considered the third largest source of profits for organized crime, behind only drugs and guns. Moreover, there are indications that these growing profits are feeding into criminal syndicates' involvement in other illicit and violent activities. Traffickers know that throughout the world they can reap large profits while facing a relatively low risk of prosecution.

Addressing the problem:

Policy Framework

To combat the problem of trafficking, the United States has developed a comprehensive and integrated anti-trafficking policy framework based on President Clinton's 1998 directive. This strategy is focused on the three P's of:

- 1) Prevention,
- 2) Protection and assistance for victims, and
- 3) Prosecution and enforcement against traffickers.

The three elements of the U.S. policy framework are interconnected and it is crucial to implement policies that advance all of them. An example of how these elements are interwoven is the fact that prosecutions are virtually impossible if the trafficked women do not receive protection and support so that they can overcome their legitimate fears and be witnesses.

Multilateral/bilateral initiatives

Secretary of State Madeleine Albright has made the issue of trafficking a priority for the Department of State. We have seen how powerful it is to have the American Secretary of State raise this issue with heads of government and her fellow foreign ministers. Her

leadership and advocacy have helped to put this issue on the agenda of the world's leaders. Secretary Albright has used her role as Chair of the President's Interagency Council on Women to mobilize a strong interagency response to the issue.

During her official meetings with leaders of Italy, Finland, Ukraine, Israel and the Philippines, the Secretary has made it a priority to raise trafficking at the highest levels. As a result of her discussions, the United States has initiated five concrete bilateral working relationships with these countries focusing on prevention, protection and prosecution.

- In Ukraine, we have developed and are implementing a comprehensive and integrated strategy with the government. We have sponsored information campaigns, economic alternative programs for victims and training for law enforcement officers there.
- In July 1999, we completed the third meeting of the U.S.-Italy Working Group on Trafficking in Women and Children. This initiative focuses on protection of victims, cooperation with NGO's, training for law enforcement and strengthening cooperation between U.S. and Italian criminal justice systems. U.S. and Italian embassies in Lagos are working with the Nigerian government to develop a public awareness campaign to prevent trafficking in Nigeria. Plans are also underway for American NGO's to travel to Italy months to learn more about the victim's protection services available there. In conjunction with the U.S.-Italian initiative, members of the Council interagency team have consulted with officials from The Holy See on protection programs sponsored by the Vatican.
- With Finland, we are collaborating on the prevention of trafficking and violence against women in the Baltic countries of Lithuania, Latvia and Estonia.
- The United States and Israel are exploring ways to work together to reduce trafficking to Israel. The Department has shared information on trafficking legislation and Israel is beginning the development of public awareness programs.

- Most recently, Secretary Albright announced at the ASEAN Post Ministerial Conference, that the United States and the Philippines will co-host a regional meeting on trafficking in March 2000 in Manila. It is expected that this will be the first of a series of regional initiatives in the coming years that will develop and facilitate regional and global cooperation.

In addition to our bilateral efforts, we have several multilateral initiatives underway. These include partnerships with the United Nations, European Union, ASEAN and the OSCE.

- The member states of the United Nations are negotiating a protocol on trafficking in persons, especially women and children, as part of the Transnational Organized Crime Convention. The United States, led by the State Department's Bureau of International Narcotics and Law Enforcement Affairs, is one of the leaders in the development of this document that will be an international instrument of cooperation. The protocol will set new standards for source, transit and destination countries to prevent trafficking, punish traffickers and protect victims.
- Initiated by the Department's Bureau of Population, Refugees, and Migration, the United States and the European Union co-sponsored public awareness campaigns to warn young women in Eastern Europe about the dangers posed by traffickers.
- The OSCE membership includes origin, transit and destination countries. As the Principal Deputy of the Council, Anita Botti, testified at your June Helsinki commission hearing, the OSCE is proving to be an excellent forum in which to address trafficking. Your Helsinki Commission hearings and your trip to Russia in June helped to cast a spotlight on the issue in the region. At your suggestion, a member of the Council interagency trafficking team will travel to Vienna this month to discuss trafficking in the OSCE Review Conference. Your leadership has helped to put this issue high on the OSCE agenda.

International training and research

I would also like to take this opportunity to underscore the important work of the Department of State's Bureaus of International Narcotics and Law Enforcement and Consular Affairs in improving training for law enforcement on trafficking. Trafficking-specific training is being improved for international law enforcement -- including border enforcement, consular anti-fraud and visa officials -- to recognize trafficking cases and to respond appropriately to help protect victims.

In addition, the Department of Justice has held training projects and symposia with countries in Central and Eastern Europe as well as the Former Soviet Union.

The involvement of law enforcement in developing and promoting protection of the victims of trafficking, even when the victims have crossed international borders and are in undocumented status, is groundbreaking and will be crucial to success in this area.

Later in this hearing, you will receive testimony from Laura Lederer, affiliated with the Women and Public Policy program at Harvard's Kennedy School of Government, whose research is funded and sponsored by the State Department's Bureau of International Narcotics and Law Enforcement Affairs. We sought this research to increase our understanding of international laws on trafficking.

Domestic anti-trafficking efforts

Concurrent with these international efforts is the interagency work being undertaken to strengthen our domestic fight against trafficking. The Workers Exploitation Task Force, chaired by the Department of Justice's Civil Rights Division and the Department of Labor's Solicitor's Office, is developing procedures to standardize and institutionalize procedures for investigation and prosecution of cases involving exploitation, including trafficking cases.

The Departments of Justice and Labor's Workers Exploitation Task Force has made great strides in the development of national trafficking-specific training for their enforcement officials.

Under the auspices of the National Security Council, an interagency working group of the U.S intelligence community has been tasked with focusing attention on transnational crime implications of trafficking. This process has produced the first preliminary U.S. government estimates of trafficking to the United States (45,000-50,000 annually, primarily from Latin America, Russia, the Newly Independent States and Southeast Asia).

The Departments of Justice and Labor Joint Task Force on Worker Exploitation has made great strides in the development of national trafficking-specific training for their enforcement officials.

Partnership with non-governmental organizations (NGO's)

Mr. Chairman, the issue of trafficking first came to the attention of the President's Interagency Council on Women and the Office of the Senior Coordinator for International Women's Issues through the advocacy of NGO's in the United States and overseas. NGO's have courageously convened forums, produced moving documentaries and accurately reported the horrors faced by trafficking victims. At the Vital Voices Women in Democracy Conference in Vienna in July 1997, Council members met networks of NGO's working here in the United States and in the former Soviet Union. We heard from Ukrainian grandmothers who told us in tears of their anguish when young women from their villages were tricked into trafficking schemes.

I would like to recognize the critical role played by NGO's in the efforts against trafficking and to affirm our intention to continue a close partnership with them as we develop U.S. programs and policy.

One of the issues that NGO's have consistently raised in both national and international forums has been the ratification of CEDAW. CEDAW is the most comprehensive and detailed international treaty to date to address the rights of women. Ratification of this important treaty will allow us to participate in the UN Committee on the Elimination of Discrimination against Women, which has taken on the issue of trafficking in women and children. This will give us a greater voice in shaping policies to improve the status of women around the world.



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

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Chair

Secretary of Health and Human Services
Donna Shalala, Immediate Past Chair

STATE DEPARTMENT ANTI-TRAFFICKING INITIATIVES

REGIONAL INITIATIVES:

EAST ASIA PACIFIC REGION

In July 1998, the Secretary of State raised the issue of trafficking at the ASEAN conference and invited countries in the region to work with the United States to reduce trafficking.

EAP Regional Bureau, in coordination with the President's Interagency Council on Women (PICW), is developing a long-term comprehensive regional initiative involving the East Asia Pacific countries based upon the PICW strategy focused on Prevention, Protection and Assistance of Victims, and Prosecution of traffickers. This regional approach is tailored to the specific needs of the countries and harmonized across the region.

It is expected that this will be the first of a series of regional initiatives in the coming years that will develop and facilitate intra- and inter- regional cooperation on this global issue.

RUSSIA/NIS

INL, through USIA, is funding public awareness campaigns in Russia, Turkmenistan, Azerbaijan, Kyrgyzstan, Moldova and Uzbekistan.

BI-LATERAL INITIATIVES:

ITALY

The United States and Italy agreed to the following bilateral cooperative initiative:

Data Collection and Information-Sharing

The regular exchange of information, with the cooperation of the Italian National Antimafia Directorate, on statistical data and general analysis of trafficking.

Prevention

Joint public information campaigns in source countries with the cooperation of their authorities and non-governmental organizations.

Protection

Protection of the rights of victims of trafficking through: exchange of best practices with respect to assistance, protection and social integration of victims; common initiatives, including joint program strategies for victim outreach to be implemented separately in Italy and the United States; and protection of victims' families in source countries.

Development of witness protection procedures and victim services in source countries in cases of repatriation, including training for law enforcement and assistance to non-governmental organizations that provide victim services.

Prosecution and Enforcement

Training for law enforcement, immigration and border officers in source countries to identify patterns and methods of trafficking and prevent trafficking through effective investigation and prosecution.

The regular exchange of information, with the cooperation of the Italian National Antimafia Directorate, within limits of existing legal provisions of the two countries, on investigations and successful investigative methods and procedures.

International Instruments

Promotion of joint initiatives in multilateral fora to combat trafficking in addition to efforts underway at the United Nations to develop a Convention on transnational organized crime.

UKRAINE

At a March 11, 1998, White House ceremony to commemorate International Women's Day and as part of the announcement of a broad global attack on trafficking of women and children, President Clinton directed the USG to work with Ukraine to develop a strategy to combat this problem. A comprehensive cooperative effort with Ukraine is underway. This includes:

Prevention

In 1998, the United States and the European Union participated in a joint prevention project conducted by the United States in the Ukraine and by the E.U. in Poland. Implemented by the International Organization for Migration in the Ukraine, the initiative sought to raise

public awareness to inform young women and girls of the dangers of trafficking through a variety of methods, including: public education, press conferences, broadcasting of public service announcements on radio and television, interviews, documentaries, local workshops, facilitated discussions, pre- and post- information campaign surveys, and distribution of thousands of pamphlets and posters in both rural and urban areas throughout Ukraine.

The State Department organized the U.S.-European Union Transatlantic Seminar to Prevent Trafficking in Women on July 9 and 10, 1998 in L'viv, Ukraine to assess the preliminary progress of the prevention initiative. The U.S. Ambassador sponsored a discussion with representatives of the Government of Ukraine, NGO's, and diplomatic representatives at his residence to heighten awareness and stress the U.S. government's high-level commitment to combating this problem.

The State Department developed a brochure targeted to potential victims describing the tactics that criminal groups use to coerce and traffic women, the risks of trafficking, and what women can do to protect themselves. The brochure is distributed in consular waiting rooms in the Ukraine and Poland. The brochure is being revised with plans to make it available at other U.S. embassies.

An important prevention component is development of economic alternatives for women in countries of origin. AID provided a \$1.1 million dollar grant to a consortium of NGOs to establish "trafficking prevention" or crisis centers, job skills training programs, and to provide seed grants to other NGOs for a wide variety of activities to combat trafficking.

Protection

The crisis centers being developed offer protection services.

Prosecution and Enforcement

The Gore-Kuchma Commission established a law enforcement working group, which is cooperating on combating organized crime, including trafficking of women. This cooperative effort will include training programs.

The Embassy has continued to urge the Ukrainian procurator general's office to devote increased resources to prosecute criminal gangs engaged in trafficking under the newly-enacted Ukraine anti-trafficking legislation.

ISRAEL

The United States and Israel are exploring ways to work together to reduce trafficking to Israel. The Department has shared information on trafficking laws and Israel is beginning the development of public awareness efforts.

FINLAND

The United States and Finland have agreed to focus on issues affecting women in the Baltic Region. The purpose of the this initiative is to combat domestic violence and trafficking in women and children, and to promote economic alternatives for women in the region. We are co-sponsoring the first meeting in Riga, Latvia on March 15.

INTERNATIONAL EFFORTS:

PUBLIC AWARENESS and ASSISTANCE

The Director of the United States Information Agency (USIA) has expanded public awareness campaigns worldwide to warn potential victims of the methods used by traffickers. In addition, USIA has sponsored a number of exchange programs of government and non-governmental agencies working to combat trafficking, particularly from NIS region and South Asia.

The Administrator of the Agency for International Development (AID) has expanded programs to strengthen U.S. efforts to combat trafficking in all its forms worldwide. AID has placed particular focus in the NIS, South Asia, and Southeast Asia regions and targeted programs toward health care and economic assistance for victims.

UN ANTI-TRAFFICKING PROTOCOL

The United Nations is negotiating a protocol on trafficking in women and children as part of the Transnational Crime Convention. The United States is one of the leaders in the development of this document which will set new standards for source, transit and destination countries to prevent trafficking, punish traffickers and protect its victims. It will serve as an important tool in the global fight against trafficking in all of its forms. The present draft, which remains subject to revision, requires or encourages member states to:

Prevention

- Establish social policies and programs to prevent trafficking and the revictimization of trafficked women and children.
- Undertake, including through NGOs, information campaigns and programs to generate public awareness of the gravity of trafficking in its different forms, including information on potential victims, causes and consequences of trafficking, penalties for unlawful acts and the risks that trafficking represents to the victim's life and health.
- Gather data and promote research to determine the modus operandi of international trafficking.
- Encourage, within the private sector, the establishment of professional associations, foundations, non-governmental organizations and research institutes concerned with trafficking.
- Provide the Secretary General of the UN with a list of NGOs devoted to preventing trafficking.

Protection

- Provide temporary or permanent residency in appropriate cases.
- Consider humanitarian and compassionate concerns in the determination of a victim's status.
- Provide child victims with appropriate housing, education, and care.
- Provide for physical safety.
- Consider additional measures to provide for the physical, psychological and social recovery of victims of witnesses to trafficking crime to foster their health, self-respect and dignity in a manner appropriate to the victim's age, gender, and special needs.
- Ensure that legislative framework provide victims access to courts to seek compensation for damages and restitution, including from fines, penalties, or traffickers' assets.
- Provide certain rights in legal proceeding including ensuring victims may testify against traffickers, maintaining confidentiality to protect victim's privacy and providing information to the victim regarding relevant court and administrative proceedings.

- Require acceptance of returned victim by country of origin and verify nationality upon request.

Prosecution and Enforcement

- Adopt such measures as may be necessary to establish trafficking as a criminal offense.
- Impose penalties that take into account the grave nature of the offense and include penalties for attempt, accomplices and others involved.
- The knowledge, intent or purpose required to commit the offense may be inferred from objective factual circumstances.

TRAINING

The State Department funded the Department of Justice to conduct anti-trafficking training for Central European countries. It is expected that trafficking will be included in the training at a new International Law Enforcement Academy in Bangkok.

New training programs and material on trafficking has been created for Consular Affairs officers.

ANTI-CORRUPTION

Trafficking depends heavily upon official corruption to facilitate its success. The Department organized and hosted the Vice President's Anti-corruption conference in March 1999. Follow-up activities include targeting the nexus between corruption and trafficking.

OTHER ENFORCEMENT ACTIVITIES

The Department's Diplomatic Security has worked cooperatively with enforcement agencies across the Executive Branch in the investigation and development of trafficking cases.

RESEARCH

The State Department is supporting a project under the auspices of Harvard University that seeks to develop a comprehensive database on U.S. and international legislation regarding commercial sexual exploitation, including trafficking of women and children.

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Draft

The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

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US INITIATIVES TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN

The United States views trafficking in women and children as a matter of grave international and domestic concern because, at its core, trafficking of women and children is about slavery or slavery-like treatment of the most reprehensible kind.

What is Trafficking?

The United States considers trafficking in women and children to include:

- All acts involved in the recruitment, transport, harboring, transfer, sale or receipt of persons
- Within national or across international borders
- Through deception or fraud, coercion or force, or abduction
- For the purposes of placing persons in situations of forced labor or services—such as forced prostitution or sexual services, domestic servitude, or debt bondage—or other forms of slavery-like practices.

This definition guides the development of domestic and international policy and programs undertaken and supported by the US Government.

Trafficking in children occurs in cases of sexual exploitation and child labor in the absence of force.

US Government Commitment to Increased Efforts

President Clinton, in his March 11, 1998, Executive Memorandum on *Steps to Combat Violence Against Women and Trafficking in Women and Girls*, directed the USG to increase its efforts - within the United States and in partnership with other countries - to combat the increased

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sophistication and scope of worldwide trafficking as a criminal and human rights violation and to improve protections for its victims. To combat trafficking, the United States has developed a comprehensive and integrated policy framework, based on the 1998 directive, focusing on

--Prevention

--Protection and assistance for victims

--Prosecution and enforcement against traffickers.

Policies are implemented which recognize that the three elements are interconnected. An example of how these elements are interwoven is the insurmountable difficulty of prosecution of the perpetrators if the trafficked women do not receive protection and support so that they can overcome their legitimate fears and come forward as witnesses.

The President's Interagency Council on Women

with JILL as honorary chair

Chaired by the Secretary of State, the Council leads the development and coordination of the USG's domestic and international policy on this issue.

The Council chairs an interagency working group that includes the Departments of Justice, State, Labor, Health and Human Services, as well as the US Agency for International Development. The Attorney General has created a Department of Justice Task Force to address this issue and, with the Department of Labor, created a joint Working Group on Worker Exploitation. The President's Interagency Council is working closely with the Department of Justice to develop new training on trafficking for investigators and prosecutors across the country, and to institutionalize enforcement efforts against trafficking.

Data/Intelligence Collection and Sharing

The US Government is seeking to develop mechanisms to collect and to analyze data specifically targeted to trafficking of women and children and to facilitate sharing of that information among agencies and internationally as appropriate.

The Subgroup on Alien Smuggling and Trafficking of Women and Children has begun work under the auspices of the National Security Council and as part of the President's International Crime control Strategy Initiative.

International Cooperation

The Administration is currently working with the European Union, the Organization for Security and Cooperation in Europe, the Group of Eight, the United Nations, ASEAN, the Nordic Council, and the Governments of Israel, Italy, Ukraine, Norway and Finland. The USG is pursuing international expansion of cooperative working arrangements to combat trafficking.

The USG is sponsoring a protocol to be associated with the Transnational Crime Convention that requires countries to enact laws to combat trafficking in human beings and protect victims.

Legislative Initiatives

--Legislation to combat trafficking has been proposed in Congress. The Administration is working with Congress to craft a law consistent with the three-part policy framework of prevention, protection and assistance for victims, and prosecution and enforcement against traffickers.

--The President's Interagency Council is working to gain ratification of the Convention on the Elimination of Discrimination Against Women, the most comprehensive and detailed international treaty to date that addresses the rights of women. The Senate has not yet ratified the Treaty.

Other Department of State Activities

--Embassies around the world are now tasked with including coverage of trafficking in women and children, as well as other human rights issues affecting women and girls, in the annually produced Country Reports on Human Rights Practices.

--The United States and the Philippines will co-host a regional East Asian meeting in Manila in the Spring of 2000 called the Asian Regional Initiative to Combat the Trafficking of Women and Children (ARIAT). The meeting will include practical workshops on Prevention, Protection and Prosecution with the goal of developing a comprehensive long-term regional action plan to combat trafficking..

--Co-sponsoring public awareness campaigns in Ukraine, Poland, Bulgaria, Hungary, Nigeria and other countries to

warn potential victims of traffickers' recruiting methods and dangers of the industry.

--Developed "Be Smart, Be Safe" Brochure to alert women to the dangers of trafficking and where to get help in the U.S. Brochures have been printed in English, Russian, Ukrainian and Polish.

--Co-sponsoring social and economic development programs for women to provide economic alternatives to the lure of economic opportunities offered by traffickers.

--In FY99, all US/NIS projects working in the area of Business Skills Development included gender in their work plans, contributing to increased focus on women-owned or women-directed enterprises. The Business Development Division funds microcredit loans.

--Provided grants for NGOs and institutions to carry out activities to combat trafficking.

Examples:

- Democracy Commission small grant to support the production of the first episode of a docu-drama that depicts the story of a trafficked victim called "Zhverta" or "Victim." The remainder of the series will be funded by USAID.
- Grant to Winrock International's Trafficking Prevention Program implemented by the NIS-US Women's Consortium to provide training and to promote women's economic alternatives.
- Grant to La Strada for seminars for law enforcement officials and students.
- Citizen Exchanges grant to the Center for the Study of Transnational Crime and Corruption (TRACC) at American University to conduct an integrated program (prevention, protection, prosecution) on law enforcement and legal issues of trafficking, including informational and outreach programs, victim assistance and enhancement of law enforcement capacity. Program components to be housed in AU's United Research Centers on Organized Crime in Siberia and the Russian Far East to reach law enforcement personnel, the Ural Region with NGOs and the media, and to enhance educational outreach for law schools, police and legal personnel, and UKRAINE on border control issues and educational outreach.



TRAFFICKING

WHAT IS TRAFFICKING?

Trafficking is a form of modern-day slavery.

- It is about the abduction, coercion, violence, and exploitation of human beings, mostly women and children, in the most reprehensible ways.
- Trafficking is a global issue of human rights, economics, migration, transnational crime, labor, and public health.
- Trafficking involves the recruitment, transport, sale, and receipt of persons within a nation or across international borders through force, fraud, deception, or coercion for placement in slavery-like conditions. Examples include forced prostitution, domestic servitude, and bonded sweatshop labor.

SCOPE OF THE PROBLEM

Due to the nature of the problem, it is difficult to estimate trafficking's true magnitude. It is an underground industry with a heavy involvement of organized criminal groups, and victims are scared to come forward.

- The U.S. Government estimates that more than 700,000 women and children are trafficked around the world each year. This is a conservative estimate, including only trafficking across international borders.
- Every year, more than 45,000 women and children are trafficked into the U.S. Thailand, China, the Philippines, Russia, Ukraine, the Baltic countries, the Czech Republic, and Mexico are key source countries to the U.S.
- The flow of victims is generally from underdeveloped nations toward industrialized nations or toward neighboring countries with marginally higher standards of living.
- Globalization of trade, improved international transportation, economic crises in the former Soviet Union and Asia, and technological advancements like the Internet have contributed to an explosion of trafficking around the world.
- Trafficking is likely to continue, due to a persistent lack of economic opportunities for women, weak visa and border controls in source and destination countries, the low status of women, and the low risk of prosecution for traffickers.



First Lady Hillary Rodham Clinton and Secretary of State Madeleine K. Albright celebrate International Women's Day.

ADMINISTRATION EFFORTS TO STOP THE TRAFFICKING OF WOMEN AND CHILDREN

In his 1998 Presidential Directive on Steps to Combat Violence Against Women and Trafficking in Women and Girls, the first presidential directive ever issued on this subject, President Clinton called trafficking in women and girls a "fundamental human rights violation." The Administration is committed to taking decisive action toward combating the trafficking of human beings in a global effort. To that end, the U.S. has adopted a three-tiered strategy: prevention, protection, and prosecution.

PREVENTION OF TRAFFICKING IN HUMAN BEINGS

- The U.S. has increased its emphasis on economic opportunity and social development programs for women in source countries to provide alternatives to the lure of leaving their home countries or communities for employment. For example, USAID is sponsoring a consortium of NGOs in Ukraine to provide job skills training, small business development training, and mentoring for women.
- The U.S. funds public awareness campaigns in source countries of the former Soviet Union and Eastern Europe, warning potential victims of methods used by traffickers.

■ The U.S. has developed a brochure in several languages entitled "Be Smart, Be Safe," targeted to potential victims in source and transit countries, that describes the tactics criminals use to traffic women, the risks of trafficking, and what women can do to protect themselves.

PROTECTION AND ASSISTANCE FOR TRAFFICKING VICTIMS

■ The U.S. has allocated funds to the Mekong Region (including Thailand, Cambodia, Vietnam, and Laos) to help return and reintegrate trafficking victims.

■ The U.S. has allocated funds to return trafficked migrants from Bosnia and Herzegovina. This project will facilitate the orderly and safe return of trafficked victims in order to break the cycle of trafficking and re-trafficking of women trapped in the sex industry.

■ The Department of Justice is funding a pilot project, through a network of community-based organizations, to provide services such as mental health counseling, emergency shelter, and referrals for medical care to Asian victims of trafficking in the Los Angeles area. The Department of Justice also is planning regional meetings with service providers from across the country.

PROSECUTION OF & ENFORCEMENT AGAINST TRAFFICKERS

■ The Attorney General has created a Department of Justice Working Group to address this issue and, with the Department of Labor, has created a Worker Exploitation Task Force that is investigating and prosecuting trafficking cases.

■ In July 1999, the U.S., together with Japanese officials and the International Organization for Migration, conducted a two-week training program on illegal migration and trafficking in women and children at the International Law Enforcement Academy in Bangkok.

■ The Gore-Kuchma Commission has established a law enforcement working group, which is cooperating on combating organized crime, including trafficking of women. This cooperative effort includes training programs for Ukrainian law enforcement officials.

MULTILATERAL & BILATERAL PROGRAMS

■ The U.S. and the Philippines will co-host the Asian Regional Initiative to Combat the Trafficking of Women and Children (ARIAT) in March 2000. Twenty-three Asian and Pacific nations will discuss national action plans and develop a regional strategy to prevent trafficking, protect victims, reintegrate trafficking victims into society, and prosecute traffickers.

■ The U.S. and the Italian governments continue to cooperate on a bilateral initiative signed by President Clinton in 1998 to combat trafficking in women and children. The joint campaign focuses on data collection, protecting the rights of victims, and training for law enforcement.

■ At the November 1999 OSCE summit, the U.S. stressed the relevance of trafficking in the OSCE region and joined other summit participants in a call to all OSCE members to implement the Action Plan to Combat Trafficking.

■ Since 1998, the U.S. Mission in Nepal has carried out a program to combat trafficking. Six U.S. government agencies cooperate with the government of Nepal on programs that strike at the sources of trafficking through poverty alleviation and rural income generation. State Department funds strengthen units of the Nepal police in their efforts to combat crimes against women and children.



THE PRESIDENT'S INTERAGENCY COUNCIL ON WOMEN

President Clinton established the Council in August 1995, on the eve of the UN Fourth World Conference on Women in Beijing, to "make sure that all the effort and good ideas actually get implemented when we get back home."

First Lady Hillary Rodham Clinton is the Honorary Chair of the Council. Secretary of State Madeleine K. Albright has been the Chair of the Council since March 1997, succeeding Secretary of Health and Human Services Donna Shalala. The Council includes high level representatives from many federal agencies.

When President Clinton issued the directive establishing the U.S. anti-trafficking strategy in 1998, he charged the Council to lead the development and coordination of domestic and international policy on trafficking in women and children. This commitment to combat trafficking is part of a broader government effort to eliminate violence against women around the world.

For additional information on trafficking, contact:

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Act (TSEA), passed by the House in February, which would require the Pentagon to step up military-to-military contacts with the Taiwanese. And with a late-April informal deadline for deciding which weapons to sell Taiwan looming, some in Congress want to send Tai-

would. But new military and political realities are fast converging to make this argument increasingly untenable. The administration needs to make some tough choices about Taiwan's security; if it can't or won't act, then Congress should.

4/10/00 Washington Post

Fighting the Slave Trade

SORDID TALES OF women and children sold or tricked into lives of slavery and sexual abuse may seem like the stuff of dime novels, but in fact the stories are all too real and happening not only around the world but in the United States. As many as 50,000 immigrants brought here each year wind up trapped in brothels, sweatshops or other types of forced labor, abused and too fearful of authorities to seek help even when they can. They are only a small part of a worldwide trade in humanity that by some estimates affects as many as 2 million people a year.

The administration has taken a number of steps to draw attention to the issue and to fight trafficking internationally and domestically. But an independent study by a federal intelligence analyst found many barriers hamper successful prosecution of domestic trafficking cases: The cases are complicated and difficult to put together, they fall into the purview of a number of agencies and it's not always clear who has responsibility. Even when cases are successful, the penalties obtained are often low. Victims frequently wind up treated like criminals themselves, detained and de-

ported back to the countries from which they were seeking to escape in the first place.

Bills pending in Congress would increase penalties for trafficking and offer assistance for victims, including changes in immigration law that would allow them to remain in the United States long enough to bring charges against their abusers. These are worthwhile changes that should be enacted swiftly.

The sticking point in discussion of the legislation has been whether the U.S. government should be required to publicly identify and impose sanctions on countries that are failing to combat trafficking within their borders. The House version of the bill requires sanctions; the administration opposes them. A Senate version proposes discretionary sanctions. That seems like a proper way to provide tools for fighting trafficking as well as flexibility in employing them.

While this legislation moves through Congress, federal agencies should look for ways to improve their own effectiveness in attacking these cases. The victims of these abuses are invisible and powerless; they deserve the strongest possible defense.

Don't Clone People

A BRITISH government commission soon may recommend lifting a ban on human cloning for "therapeutic" purposes, such as growing replacement organs and tissues. It would continue to bar "reproductive cloning," the nightmare scenario of cloning to produce copies of whole people. Despite this distinction, the proposal generates a powerful unease. If Britain lifts restrictions on human-cloning research, other European countries might follow. That in turn might create pressure to ease restrictions in the United States, where human cloning is not banned (though the U.S. scientific establishment in 1997 adopted a voluntary moratorium) but is ineligible for federal research funding.

Do we want official support of human-cloning research in this country? Do we want

inside the hollowed-out shell of an embryo from another source and zap the combination with electricity or other stimulation. For reasons not clearly understood and not always reliable (Dolly's case took 277 tries), the combined embryo then begins to grow into a new individual with, apparently, DNA identical to that of the donor. Early on, like any embryo, it produces the "stem cells," which have the potential to develop into any tissue of the body. Scientists hope these ultimately might be nudged into producing replacement hearts, livers or brain cells that could be implanted in the original patient without rejection.

Defenders of this scenario point out that the cloned embryo comes nowhere near developing into a person. If one accepts (as we do) that extracting stem cells from aborted fetal tissue or "leftover" fertilized embryos may be ethically acceptable under carefully drawn