



# ASSESSMENT OF U.S. GOVERNMENT ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS

June 2004

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*There's another humanitarian crisis spreading, yet hidden from view. Each year, an estimated 800,000 to 900,000 human beings are bought, sold or forced across the world's borders.*

*There's a special evil in the abuse and exploitation of the most innocent and vulnerable. The victims of [the] sex trade see little of life before they see the very worst of life – an underground of brutality and lonely fear. Those who create these victims and profit from their suffering must be severely punished. Those who patronize this industry debase themselves and deepen the misery of others. And governments that tolerate this trade are tolerating a form of slavery.*

President George W. Bush  
The United Nations  
New York, New York  
September 23, 2003

*The Department of Justice's charge [is] to safeguard, nourish and protect the conditions of freedom that make America unique. One of those conditions is the respect and value that American culture places on the dignity of each and every individual. The Justice Department is committed to defending freedom and human dignity. One of the greatest threats to human dignity is human trafficking: the commodification of human beings.*

Attorney General John Ashcroft  
State Department Conference  
PATH-BREAKING STRATEGIES IN THE  
GLOBAL FIGHT AGAINST SEX  
TRAFFICKING  
February 25, 2003

## **I. Introduction to the 2004 U.S. ASSESSMENT**

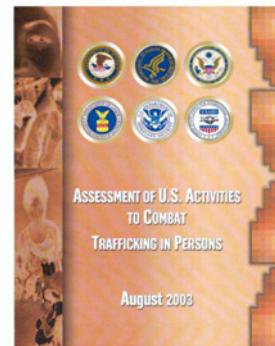
Trafficking in persons is a horrific crime and grotesque violation of human rights. The fact that hundreds of thousands of people continue to be trafficked across international borders each year having been bought, sold, transported or held in slavery-like conditions for sex and labor exploitation is almost mind-boggling. Such a legacy from centuries past is startling.

Trafficking is a transnational criminal enterprise that recognizes neither boundaries nor borders. Profits from trafficking feed the coffers of organized crime. Trafficking is linked to other criminal activities such as document fraud, money laundering and migrant smuggling. Moreover, as a matter of policy, the U.S. Government opposes prostitution and any related activities as contributing to the phenomenon of trafficking in persons. These activities are inherently harmful and dehumanizing. Today, in 2004, slavery ought to have been consigned to

the dustbin of history. In the United States, where slavery was outlawed nationally more than 130 years ago, this tragic phenomenon should no longer exist. Yet it does.

The U.S. Government estimates that between 14,500 and 17,500 people are trafficked annually into the United States. The nature of this crime – underground, often under-acknowledged – contributes to an inability to determine the precise number of people who are victimized by traffickers each year. The scope of this hideous exploitation is wide and varied, but typically involves victims entrapped in commercial sexual exploitation such as prostitution, or labor exploitation in sweatshops, domestic servitude, construction sites and agricultural settings.

The United States has a significant problem with trafficking in persons. The United States is primarily a destination country: people from other countries are trafficked into the United States. As Secretary of State Colin L. Powell has noted: “Trafficking leaves no land untouched, including our own.” The Trafficking Victims Protection Act of 2000 (TVPA), Division A of Pub. L. 106-386, mandated the Department of State to produce annually a trafficking in persons report, which assesses the efforts of governments around the world to meet minimum standards to combat trafficking (TVPA § 110(b)(1)). That report documents the transnational and intranational forms of trafficking. Section 105(d)(2) of the TVPA mandates an evaluation of the progress of the United States in the areas of trafficking prevention, prosecution and assistance to victims. The U.S. Government therefore prepared, in August 2003, an ASSESSMENT OF U.S. ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, available at [http://www.usdoj.gov/crt/crim/wetf/us\\_assessment.pdf](http://www.usdoj.gov/crt/crim/wetf/us_assessment.pdf) shown at right.



This June 2004 ASSESSMENT OF U.S. ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS 2004 is a follow-up to that August 2003 ASSESSMENT. The 2004 ASSESSMENT, like its predecessor, is an analytical review by several Cabinet agencies of the U.S. Government’s anti-trafficking activities. The 2004 ASSESSMENT provides considerably more detail than did its predecessor, and covers activities through Fiscal Year 2003. In summary, the 2004 ASSESSMENT reviews U.S. legislative and executive branch government activities to improve U.S. protections for and assistance to victims trafficked into the United States, to increase successful investigations and prosecutions of traffickers, and to augment international activities to combat trafficking. The 2004 ASSESSMENT also reviews the 2003 ASSESSMENT’s suggested areas of improvement in U.S. Government activities, and provides an updated list of recommendations. This second ASSESSMENT aims to continue a self-analysis of current U.S. Government efforts begun by the 2003 ASSESSMENT. In turn, we hope to create a dialogue with the American public, including non-governmental organizations, and with other countries and intergovernmental organizations on how best to combat the terrible scourge of trafficking in persons.

## II. U.S. Law on Trafficking in Persons

Although slavery and involuntary servitude have been outlawed throughout the United States since 1865 (*see* U.S. CONSTITUTION, Amendment XIII, § 1), the U.S. Government was provided additional authority through Congress's passage of the Trafficking Victims Protection Act of 2000 ("TVPA"), Pub. L. 106-386, signed into law on October 28, 2000. The TVPA enhanced three aspects of federal government activity to combat trafficking in persons: it provided for a range of new protections and assistance for victims of trafficking in persons; it expanded the crimes and enhanced the penalties available to federal investigators and prosecutors pursuing traffickers; and it expanded U.S. activities internationally to prevent victims from being trafficked in the first place. Specifically, the TVPA:

- Provided for *victim assistance in the United States* by making trafficking victims eligible for federally-funded or -administered health and other benefits and services as if they were refugees; mandated U.S. Government protections for victims of trafficking and, where applicable, their families; outlined protections from removal, including T nonimmigrant status for certain trafficking victims who cooperate with law enforcement in the investigation and prosecution of trafficking; and allowed T nonimmigrant status holders to adjust to permanent resident status;
- Created *new crimes* and enhanced penalties for existing crimes including forced labor; trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; sex trafficking of children or by force, fraud or coercion; unlawful conduct with respect to documents; criminalized attempts to engage in these behaviors; and provided for mandatory restitution and forfeiture; and
- Provided for *assistance to foreign countries* in drafting laws to prohibit and punish acts of trafficking, and to strengthen investigation and prosecution of traffickers; created programs to assist victims; and expanded U.S. Government exchange and international visitor programs focusing on trafficking in persons.

The TVPA was a landmark piece of legislation, some parts of which needed to be re-authorized after several years. In addition to re-authorization provisions, the Trafficking Victims Protection Reauthorization Act of 2003 ("TVPRA"), Pub. L. 108-193, signed into law by President George W. Bush on December 19, 2003, also added responsibilities to the U.S. Government's anti-trafficking portfolio. In particular, the TVPRA mandated new information campaigns to combat sex tourism, refined the federal criminal law, and created a new civil action provision that allows trafficking victims to sue their traffickers in federal district court. It also expanded eligibility for federally funded services and benefits to include certain family members of victims of severe forms of trafficking. In addition, the TVPRA required a report from the Attorney General to Congress to be submitted to Congress every year beginning on May 1, 2004. That report was mandated to provide information on U.S. Government activities to combat



trafficking in persons, and is available on the Department of Justice’s trafficking in persons page, <<http://www.usdoj.gov/trafficking.htm>>.

### **III. Executive Branch Activities to Combat Trafficking in Persons**

The U.S. Government condemns trafficking in persons as an affront to human dignity and a heinous crime, and is committed to eradicating it through means including: identifying, protecting, and assisting victims exploited by traffickers; vigorously enforcing U.S. laws against all those who traffic in persons; raising awareness at home and abroad about human trafficking and how it can be eradicated; reducing the vulnerability of individuals to trafficking through increased education, economic opportunity, and protection and promotion of human rights; working with non-governmental organizations; and employing diplomatic and foreign policy tools to encourage other nations, the United Nations, and other multilateral institutions to work with us to combat this crime, to draft and enforce laws against trafficking, and to hold accountable those engaged in it. We believe the U.S. Government has demonstrated this commitment through the means listed below, but we also recognize and point out areas where there is room for improvement.

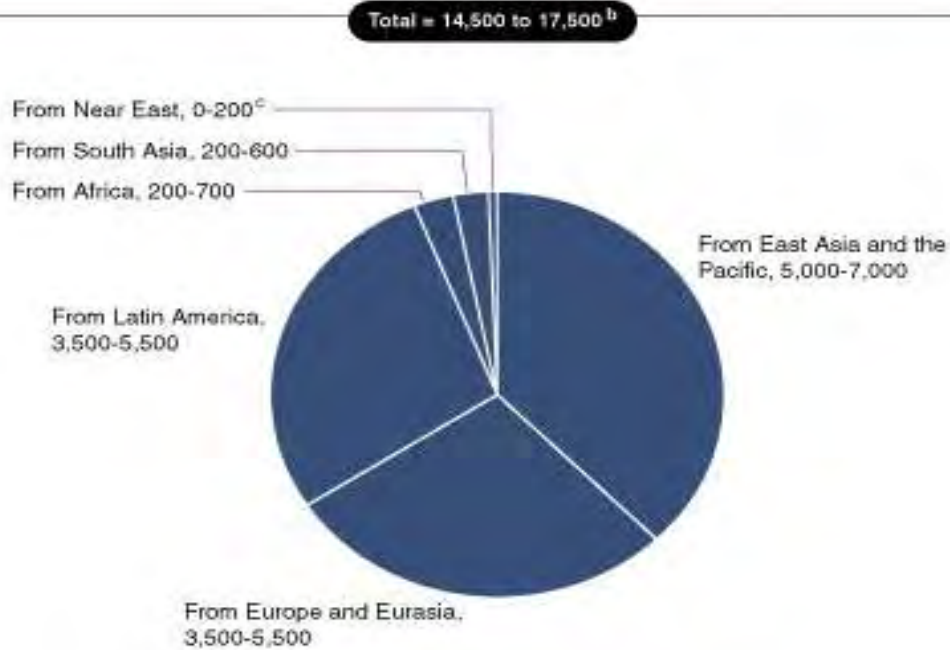
#### **A. Updated Estimates of the Scope and Magnitude of Trafficking World-wide and into the United States**

In 1998, the U.S. Government estimated that 700,000 people are trafficked annually worldwide and 45,000 to 50,000 people, predominantly women and children, are trafficked each year into the United States for sexual exploitation or forced labor. This estimate was a compilation of data from 1997. Since then, the statistic has been cited in a variety of contexts – including in the TVPA – as a measure of how many victims end up in the United States every year. The numbers have been updated over the course of the last year. In May 2003, the U.S. Government revised its analysis of trafficking into the United States. In the 2003 ASSESSMENT, we reported that 18,000 to 20,000 people are trafficked annually into the United States. As the discussion below reflects, we



have continued to improve our data analysis, and those numbers have again been refined in 2004.<sup>1</sup>

### Estimated Number of People Trafficked Annually Into the US by Region<sup>a</sup>



<sup>a</sup> This assessment is indicative of trafficking during the period of 2000-01. The estimates are derived from reporting through 2002 because there is often a lag between when trafficking occurs and when it is reflected in the reporting.

<sup>b</sup> Both the total and regional ranges include statistical margins of error. The total range is calculated using a formula that is more accurate than simply summing the regional bounds.

<sup>c</sup> Estimates for trafficking to, from, and within the Near East are based on sparse data and may change significantly in future estimates.

<sup>1</sup>The methodology used to create these U.S. Government estimates is “Markov Chain Monte Carlo,” a statistical method often used in medical studies and complex surveys. Making use of plausible values for unknown information, the technique replaces missing data under a wide range of conditions to reflect uncertainty in the reports. The estimates also underwent a Bayesian analysis, which systematically incorporates previous estimates of human trafficking or, in the absence of previous estimates, expert surveys. Therefore, the estimates rely on a weighted average of the available information, rather than on the extrapolation from known cases. For additional information regarding the methodology used to generate the U.S. Government estimate, please contact the State Department’s Office to Monitor and Combat Trafficking in Persons at (202) 312-9672. The new estimates rely on the same methodology and the same data; they do not reflect a conclusion that trafficking flows are declining.

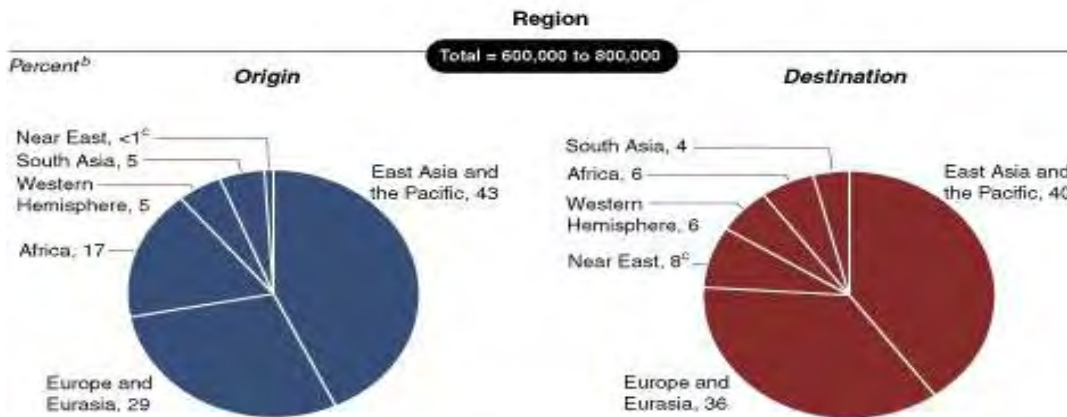
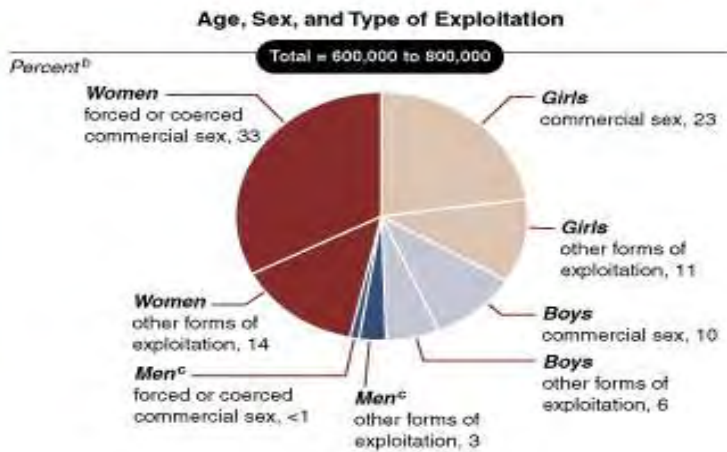


As of May 2004, the U.S. Government estimates that 14,500 to 17,500 people are trafficked annually into the United States, and 600,000 to 800,000 are trafficked globally. This estimate covers men, women and children trafficked across borders and recruited, harbored, transported, provided or obtained for forced labor or sexual exploitation – “severe forms of trafficking” as defined in the TVPA. This estimate is a weighted average of U.S. Government data, other published estimates, and a census of known and suspected trafficking cases. This estimate is not comparable to the original U.S. Government estimate in 1997. Differences in the two estimates reflect improvements in data collection and methodology rather than trends in trafficking.

**Estimated Global Trafficking Victims by Age, Sex, Type of Exploitation, and Region<sup>a</sup>**

**Other forms of exploitation:** Trafficking for all purposes other than those involving commercial sex, such as forced or coerced agricultural, domestic, construction, retail, or factory work.

**Girls and Boys:** Victims under 18 years of age.



<sup>a</sup>This assessment is indicative of trafficking during the period of 2000-01. The estimates are derived from reporting through 2002 because there is often a lag between when trafficking occurs and when it is reflected in the reporting.

<sup>b</sup>Percentages use the midpoint (700,000) of the estimate total.

<sup>c</sup>Estimates for adult males and for people trafficked to, from, and within the Near East are based on sparse data and may change significantly in future estimates.

The U.S. Government in 2004 has demographic and regional breakdowns of trafficking victims. The new estimates break down global demographics of victims by sex, age, and type of exploitation, as well as by the flow of victims among six geographical regions (Africa, East Asia and the Pacific, Europe and Eurasia, Near East, South Asia, and the Western Hemisphere) and the United States.

The following are some notable results:

- Approximately 80 percent of the victims are female; 70 percent of those females are trafficked for the commercial sex industry.
- Roughly two-thirds of the global victims are trafficked intra-regionally within East Asia and the Pacific (260,000 to 280,000 people) and Europe and Eurasia (170,000 to 210,000 people).
- The largest number of people trafficked into the United States come from East Asia and the Pacific (5,000 to 7,000). The next highest numbers come from Latin America and from Europe and Eurasia, at between 3,500 and 5,500 victims from each.

More in-depth analysis on regional flows of people led the U.S. Government to adjust the original 2003 estimates downward by eighteen percent in 2004 (from 18-20,000 to 14,500-16,500).

Some additional research regarding trafficking in persons has been conducted or funded by the U.S. Government over the past five years. For instance, the National Institute of Justice funded five trafficking studies that have been completed: 1) a needs assessment for service providers and trafficking victims and an evaluation of services provided to those victims; 2) a study of the commercial sexual exploitation of children in North America; 3) a study of sex trafficking of women in three regional U.S. cities and the links between international and domestic sex industries; 4) a study of trafficking in women from Ukraine; and 5) a study of social organization of human trafficking in China.

Three other multi-year projects related to trafficking into the United States are pending. None of these U.S. Government-funded studies will provide a nation-wide estimate of the scope or magnitude of trafficking of persons into the United States or comprehensively address trafficking trends to and within the United States. Such analysis would be useful to understanding the scope and magnitude of trafficking in the United States.

**B. Operation of Cabinet-Level Task Force, Senior Policy Operating Group, and Anti-Trafficking Office**

The Bush Administration recognizes that trafficking is a global and national phenomenon whose elimination will require concerted U.S. Government efforts. In February 2002, pursuant to the TVPA, President George W. Bush established a Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons. This Task Force is chaired by the Secretary of State and includes the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of Central Intelligence, the Director of the Office of Management and Budget, and the Administrator of the U.S. Agency for International Development. The Task Force's responsibilities include coordination and implementation of the Administration's anti-trafficking activities.

At the December 2003 meeting of the President's Interagency Task Force, the Task Force approved the formal establishment of the Senior Policy Operating Group on Trafficking in Persons (SPOG), chaired by the Director of the State Department's Office to Monitor and Combat Trafficking in Persons. The SPOG had been created by law and had been meeting regularly prior to the Task Force meeting. The purpose of the SPOG is to bring together senior policy officials from the Task Force member agencies. In 2003, the SPOG was responsible for a number of interagency policy developments, including:

- The coordination of U.S. agency strategic plans to address trafficking in persons.
- The development of an interagency grant policy statement on trafficking in persons to help implement the National Security Presidential Directive on Trafficking in Persons.
- The development of a new grants policy to reach out to new organizations and a coordination process for the issuance of grants and for other programs to combat trafficking in persons. Since the inception of that policy, the Office to Monitor and Combat Trafficking in Persons, on behalf of the SPOG, requests that funding bureaus, agencies and overseas missions provide advance information internally when issuing a solicitation or considering funding of anti-trafficking proposals. Specifically, when a part of the U.S. Government is soliciting applications for international anti-trafficking-in-persons-related proposals, the Office to Monitor and Combat Trafficking in Persons, on behalf of the SPOG, adds the link of an agency's solicitation announcement to <http://www.state.gov/g/tip>. (This is in addition to a new U.S. Government requirement that any type of grant solicitation be posted on [www.grants.gov](http://www.grants.gov)) Member agencies may also add solicitation announcements for anti-trafficking in persons proposals to their websites. This procedure should provide U.S. and foreign non-governmental groups not familiar with the various sources of U.S. Government funding easy access to all U.S. Government solicitation requests, both domestic and international, that are related to trafficking in persons. As the U.S. Government reaches out to those groups that support

the U.S. Government's policy objectives regarding trafficking in persons, this effort should broaden the pool of applicants.

- The development of a memorandum of understanding (MOU) among the Departments of Health and Human Services, Homeland Security, and Justice to facilitate certification of trafficking victims in order to receive federally funded or -administered benefits to the same extent as refugees.<sup>2</sup>
- The coordination of the President's \$50 million initiative to fight trafficking in persons.

The attention provided to the issue of trafficking in persons by the highest levels of the U.S. Government is considerable. The President's Interagency Task Force has met twice in the past two years, and the SPOG meets regularly. Coordination among the SPOG members is valued particularly by senior officials from the Departments of State, Justice, Homeland Security, and Health and Human Services, who have met in sub-groups to address specific issues. Even at the staff-level, coordination is much greater even than one year ago; for instance, staff at the Departments of Health and Human Services and Justice began meeting regularly in February 2004 to coordinate the issuance of grants to assist victims domestically.

### **C. Benefits and Services Given Domestically to Trafficking Victims**

In the United States, a person's eligibility for benefits and services is often linked to his or her immigration status. Most trafficking victims do not come to the United States with an immigration status that would allow them to receive assistance. Recognizing this situation, the TVPA created a mechanism for allowing certain non-citizens who were trafficking victims access to benefits and services from which they might otherwise be barred. Under the TVPA, adult victims may be "certified" to receive certain federally funded or -administered benefits and services, such as cash assistance, medical care, food stamps, and housing.<sup>3</sup> (Child victims do not

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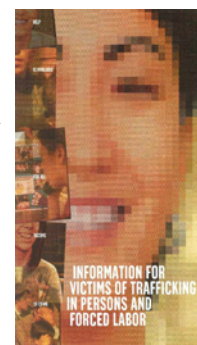
<sup>2</sup>As of the publication of this ASSESSMENT, the MOU has not been signed.

<sup>3</sup>It should be noted that the Department of Health and Human Services's refugee benefits and services programs and the Office for Victims of Crime's victim assistance funds are available to alien trafficking victims who are trafficked internationally into the United States as well as to alien victims who are trafficked internally, but not to U.S. citizen victims of trafficking. Based on the statutory language and legislative history creating the grant programs that assist victims, the Department of Health and Human Services's non-discretionary grant moneys apply to "aliens." Because those grant moneys were limited to post-certification under the TVPA, the Office for Victims of Crime grant moneys focus on the "pre-certification" period of victims, which logically only apply to those victims who need to be certified to receive benefits and services, *i.e.*, aliens. In most circumstances, U.S. citizens would be eligible for assistance, such as Temporary Assistance for Needy Families, Medicaid, and food stamps, that, absent this law, would otherwise be barred to non-citizen trafficking victims on the basis of their

need to be “certified” to receive such benefits and services, but instead receive eligibility letters to the same effect.) Indeed, under sections 107(b)(1) and (b)(2) of the TVPA, various federal agencies must extend some of their existing benefits to trafficking victims and are authorized to provide grants to effectuate such assistance. This 2004 ASSESSMENT analyzes the activities of the Department of Health and Human Services’s Office of Refugee Resettlement, the Department of Justice’s Office for Victims of Crime, the Labor Department’s Employment and Training Administration, the Department of Homeland Security’s U.S. Citizenship and Immigration Services and U.S. Immigration and Customs Enforcement, and the Legal Services Corporation to implement sections 107(b) and 107(c) of the TVPA.

During Fiscal Year 2003, trafficking victims received information from federal authorities about the rights and protections available to them. Under provisions in the TVPA’s section 107(c) and in other victim-witness laws, federal authorities are required to identify trafficking victims and provide them with information about their rights and protections. The Departments of State, Justice, and Homeland Security have been implementing this mandate. A regulation (*see* 66 Fed. Reg. 38514 (July 24, 2001)) was issued outlining procedures for appropriate federal employees to ensure to the extent practicable that victims are housed in a manner appropriate to their status as crime victims, afforded proper medical care and other assistance and protected while in federal custody. In addition, this regulation outlines procedures to provide victims with information about their rights and applicable services, such as *pro bono* and low-cost legal services, including immigration services; federal and state benefits and services as if they were refugees; services from victim service organizations including domestic violence and rape crisis centers; protections available, especially against threats and intimidation; rights of individual privacy and confidentiality issues; victim compensation and assistance programs; immigration benefits or programs that may be relevant to trafficking victims; right to restitution; right to notification of case status; and availability of medical services. Federal agencies also have to ensure reasonable access to translation services. *See* 28 CFR § 1100.33.

Federal law enforcement officials provide such assistance to victims in a number of ways. For instance, investigators from the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, and the Diplomatic Security Service, as well as other federal officials – notably prosecutors – who encounter trafficking victims in the course of their duties distribute a brochure describing trafficking victims’ rights and the protections available to them. The victim’s brochure (shown at right) has been translated by the U.S. Government and by some of our grantees into a number of languages. The U.S. Government continually reviews whether these brochures should be translated into additional languages.



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immigration status. To the extent, however, that non-citizen trafficking victims access federally funded or -administered refugee assistance, the provision of that assistance to U.S. citizen victims would require a statutory amendment.



## **1. Trafficking Victims Who Received Benefits and Services**

The Department of Health and Human Services provides certification and eligibility letters for victims that allow them to access federally-funded or -administered benefits and services comparable to the assistance provided to refugees. In addition to benefits such as Food Stamps, Temporary Assistance for Needy Families, and Medicaid, these victims may also be eligible for benefits provided only to refugees through HHS's refugee programs. In many ways, the U.S. Government's refugee programs contain a strong infrastructure for assisting trafficking victims. The refugee programs are designed for people who have suffered persecution or torture, have been torn away from everything that is familiar to them, and need to rebuild their lives in a new place where they may not understand the culture or speak the language. Nonetheless, in some cases, the refugee programs may not meet all of the needs of trafficking victims.

To fill the gaps, by April 2004, the Department of Health and Human Services had awarded over \$8 million in grants to 28 organizations for services geared specifically toward trafficking victims and for outreach to them. Specifically, in Fiscal Year 2003, the Department of Health and Human Services issued \$3.48 million to fifteen organizations to provide assistance to meet the needs of victims of trafficking, including temporary housing, independent living skills, cultural orientation, and transportation needs, as well as access to appropriate educational programs and legal assistance and referrals. In addition to such benefits and services, the Department of Health and Human Services may provide trafficking victims with intensive case management programs to help them obtain housing, find employment, access mental health counseling, and obtain specialized foster care programs for children. Child trafficking victims may be placed with caring families who understand their cultural background and can speak their language. There are also therapeutic placements for children with special needs. With the enactment of the TVPRA in December 2003, these discretionary funds can be made available also to assist certain family members of trafficking victims. Services can also be provided to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking.

### HHS Office of Refugee Resettlement – Fiscal Year 2003 Trafficking in Persons Grantees

Center for Multicultural Human Services, Falls Church, Virginia; Crisis House, San Diego County  
DWA FANM, New York City; Florida Immigrant Advocacy Center, Florida  
International Institute of New Jersey, Jersey City; International Rescue Committee, New York  
US Conference of Catholic Bishops, Washington, DC  
St. Anselm's Cross-Cultural Community Center, Orange County, CA  
New York Association for New Americans, New York City; Nihonmachi Legal Outreach, San Francisco  
Refugee Women's Alliance, Seattle; Pacific Gateway, Honolulu  
Refugee Women's Network, Decatur, GA; San Diego Youth & Community Services, San Diego  
County of Los Angeles, Community & Senior Services, Los Angeles

Since the enactment of the TVPA and through Fiscal Year 2003, the Department of Health and Human Services' Office of Refugee Resettlement issued 448 certifications to adult trafficking victims or benefits eligibility letters to child trafficking victims; child victims do not need to be certified, but may access these same benefits. In Fiscal Year 2003, the Department of Health and Human Services provided 151 certifications and benefits eligibility letters, of which 145 were certification letters to adults and six were eligibility letters to child trafficking victims.

151 victims were certified or eligible for refugee benefits and services in Fiscal Year 2003

The Fiscal Year 2003 letters were sent to benefit offices in eighteen states. The largest concentrations of victims receiving letters were in California, Oklahoma, Texas and New York.<sup>4</sup> The beneficiaries of these letters were predominantly male (54 percent).<sup>5</sup> The types of exploitation that victims certified in Fiscal Year 2003 endured included sexual exploitation, involuntary domestic servitude, forced migrant agricultural labor, and sweatshop labor. The countries of origin for the greatest number of victims were India (38 percent), Vietnam (11 percent), Mexico (nine percent), Indonesia (five percent), Tonga (five percent), Zambia (five percent), and Thailand (four percent). The countries of origin for the remaining victims were Bangladesh, Bolivia, Cameroon, China, Czech Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Guatemala, Honduras, Kenya, Korea, Latvia, Malaysia, Nepal, Nigeria, Peru, Philippines and Russia.<sup>6</sup> (It was not possible to determine the country of origin of two victims.)

The Office of Refugee Resettlement strives to encourage the participation of certified trafficking victims in extant assistance programs for refugees – primarily the voluntary agency matching grant program<sup>7</sup> and the refugee cash and medical assistance program.<sup>8</sup> Of the 145

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<sup>4</sup> In Fiscal Year 2002, the Office of Refugee Resettlement issued letters to benefit offices in fourteen states, of which the largest concentrations were to Texas (31 percent), Florida (19 percent), and California (14 percent). Note that these concentrations reflect where victims were living after victimization and do not necessarily reflect where they were victimized.

<sup>5</sup>In Fiscal Year 2002, 80 percent of the victims were female.

<sup>6</sup>In Fiscal Year 2002, the most prevalent victim nationalities were Honduran (36 percent) and Mexican (35 percent), with the remaining victims coming from Bangladesh, Cambodia, China, El Salvador, Ghana, Guatemala, Indonesia, Jamaica, Philippines, Sri Lanka, Thailand and Vietnam. With the exceptions of Ghana, Jamaica and Sri Lanka, victims from all of these countries received certification or eligibility letters in Fiscal Year 2003 as well.

<sup>7</sup>The voluntary agency matching grant program is a congressionally-funded alternative to state-administered refugee resettlement assistance. Participating agencies agree to match every two dollars in Office of Refugee Resettlement funds with one dollar in cash and in-kind

adults certified as victims in Fiscal Year 2003, 136 enrolled in the matching grant program, six enrolled in the refugee cash and medical assistance program, and three elected not to apply for either of these programs. Of the six minor victims on whose behalf the Office of Refugee Resettlement issued letters of eligibility, as of April 2004 two were residing with guardians and were not receiving public benefits. The remaining four minor victims were enrolled into the Office of Refugee Resettlement's Unaccompanied Refugee Minors program.<sup>9</sup>

According to the Department of Health and Human Services, state and local benefit offices are not statutorily required to report information on benefits and services accessed by trafficking victims. Nonetheless, the Office of Refugee Resettlement strongly encourages the state and local benefit offices to report the benefits and services actually provided to trafficking victims. In Fiscal Year 2002, the Office of Refugee Resettlement established a toll-free "HHS trafficking victims verification" telephone line to encourage a better response rate. To date, however, the Office of Refugee Resettlement cannot provide a comprehensive list of services and benefits accessed by trafficking victims. Notwithstanding that caveat, the experience of Boat People S.O.S. provides instructive anecdotal information on services and benefits accessed by victims. Boat People S.O.S., a grantee of the Office of Refugee Resettlement and the Department of Justice's Office for Victims of Crime, primarily serves victims from the *Kil Soo*

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contributions (a minimum of 20 percent of their match must be in cash). The program goal is to help refugees attain self-sufficiency within four months of date of eligibility without accessing public assistance. The participating non-governmental organizations provide intensive case management and services including job counseling and placement; assistance with food, housing and transportation; English language training; and assistance in obtaining health, medical, and social adjustment services. The victims who want to enroll in this program must obtain employment authorization documents from the Department of Homeland Security. Some trafficking victims in the voluntary matching grant program may also be eligible to receive other benefits (such as food stamps, Medicaid, or refugee medical assistance).

<sup>8</sup>The refugee cash and medical assistance program provides transitional assistance for up to eight months. (Note that a victim's receipt of benefits in a particular state is dependent upon level of income.) This program is designed to provide temporary assistance to those refugees who are not eligible for other federal benefits such as Temporary Assistance for Needy Families, Medicaid, or Supplemental Security Income. For trafficking victims, these eight-month benefit periods begin on the certification date.

<sup>9</sup>The Unaccompanied Refugee Minors program offers specialized resettlement and foster care services for unaccompanied refugee minors. Unaccompanied minor trafficking victims under the age of eighteen are eligible to enter this program. As appropriate to their developmental needs and their cultural, linguistic and religious backgrounds, the Unaccompanied Refugee Minors program places minors into foster care, group homes, or independent living arrangements. The program provides the victims with comprehensive care, including medical and mental health services, education, case management, independent living skills, job skills training, career/college counseling, legal assistance and, when possible, on-going family tracing.

*Lee* case, a labor trafficking case discussed later in this ASSESSMENT. *Kil Soo Lee* involved Vietnamese and Chinese nationals trafficked to American Samoa; they were rescued in March 2001. Boat People S.O.S. has provided direct services or case management to over 200 victims from that case. The victims now reside throughout the United States but are concentrated in six geographic areas.

Fifty-six victims responded to Boat People S.O.S.'s 2003 tracking update. Thirty-two of those victims applied for food stamps,<sup>10</sup> of which 30 were approved and of which only one is still receiving food stamps. The two denials were because the applicants did not have permanent addresses. (Note that the USDA is following up on these two denials.) Two of the 56 victims applied for Temporary Assistance for Needy Families, both of whom were approved. None of the 56 victims is presently receiving Medicaid. Previously, 21 victims were approved for Medicaid and 25 were denied. None of the 56 victims is presently receiving housing subsidies. Seven applied for such subsidies – of which one was denied and six are on the waiting list or are

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<sup>10</sup>Another method to glean a rough estimate of the food stamp benefits issued under the TVPA was suggested by the Food and Nutrition Service of the U.S. Department of Agriculture (USDA) in providing information for this report. Because USDA does not have a data collection requirement for state welfare departments to report the number of trafficking victims who receive food stamp benefits as refugees under the TVPA, one could obtain a rough estimate of the benefits issued by multiplying the number of certification letters the Office of Refugee Resettlement issued in Fiscal Year 2003 by the average monthly per person food stamp benefit issued in Fiscal Year 2003 (\$83.90). According to a 1999 Food and Nutrition Service study, the spell of participation for first time participants is nine months. See THE DYNAMICS OF FOOD STAMP PROGRAM PARTICIPATION IN THE EARLY 1990s, released in April 1998, by Phillip Gleason, Peter Schochet, and Robert Moffitt, available at <http://www.fns.usda.gov/oane/MENU/Published/FSP/FILES/Participation/DYNAMICS.PDF>. Thus, the average per-person benefit for victims of trafficking would be \$755.10. With 151 victims certified or declared eligible in Fiscal Year 2003, in rounded numbers, this would equate to a little over \$114,000 in food stamp benefits distributed in Fiscal Year 2003.

USDA's Food and Nutrition Service has a small, but important, role in assisting victims of trafficking. It will continue to provide food assistance to victims of trafficking through the Food Stamp Program, the Special Supplemental Nutrition Program for Women, Infants and Children, the School Lunch Program, and other USDA nutrition programs. Since the statute requires treating victims of trafficking as if they were refugees, the normal restrictions on eligibility for noncitizens do not apply, as with other programs.. USDA continues to encourage benefit-providing agencies to expand and improve programs for limited English proficiency individuals, to assure that eligible individuals and families fully participate in our nutrition programs.

awaiting a decision. It is unclear why so few trafficking victims have obtained housing subsidies; the answer may deserve further study.

While the Office of Refugee Resettlement's refugee assistance provides a useful mechanism to meet a trafficking victim's short- and long-term needs, there is also a need for emergency services to be available to victims as soon as they have been encountered by federal authorities. The Department of Justice met immediate needs of trafficked persons through its emergency witness assistance program and through services provided by the grantees of the Department of Justice's Office for Victims of Crime. Under section 107(b)(2) of the TVPA, the Office for Victims of Crime may provide grants to governments or organizations to "develop, expand, or strengthen, victim service programs for victims of trafficking."

In January 2003, the Office for Victims of Crime awarded twelve grants totaling more than \$9.7 million to various non-governmental organizations for the purpose of providing trafficking victims with comprehensive or specialized services, and for the purpose of providing these grantees training and technical assistance for program support and enhancement. Eight of the grants support comprehensive services to trafficking victims in a specific state or region. Three of the grants support specialized or select services to trafficking victims in larger multi-state areas. Finally, the training and technical assistance grantees develop and deliver training and technical assistance to the grantees who provide direct services. These Office for Victims of Crime grants have supported services for victims during the "pre-certification" period. The Office for Victims of Crime also transferred a total of \$500,000 to the National Institute of Justice to oversee an evaluation of three of the comprehensive services projects funded. Evaluation findings will help inform the design and implementation of services to trafficking victims.

Office for Victims of Crime  
Trafficking in Persons Grantees  
Fiscal Year 2003

Little Tokyo Service Center, Los Angeles  
Asian Pacific Islander Legal Outreach,  
San Francisco  
Heartland Alliance for Human Needs and  
Human Rights, Chicago  
International Rescue Committee, Arizona  
International Rescue Committee, Florida  
East Dallas Counseling Center, Dallas  
YMCA International Services, Houston  
Boat People, S.O.S., Falls Church, Virginia  
Massachusetts Mental Health Institute  
Trauma Center, Boston  
Salvation Army National Corporation,  
Alexandria, Virginia  
Safe Horizon, New York City

From January 1, to December 31, 2003, the first year of operation for the Office for Victims of Crime grants, grantees assisted 200 victims: specifically, Asian Pacific Islander Legal Outreach assisted 33 people; Boat People S.O.S. assisted ten people; the Coalition Against Slavery and Trafficking assisted 41 people; Heartland Alliance assisted 40 people for comprehensive services and twelve people for supplemental services; International Rescue Committee Miami assisted six people; International Rescue Committee Phoenix assisted seven



people; Mosaic Family Services assisted 40 people; YMCA of Greater Houston assisted four people; and Massachusetts Mental Health Institute assisted seven people. (Safe Horizon was funded to provide direct technical assistance and training on trafficking issues to the other grantee organizations, which are providing direct services to victims of trafficking. The Headquarters of the Salvation Army was funded to support its efforts to work with regional and local Salvation Army offices to develop specialized, comprehensive care programs for victims of trafficking, although no victim services were directly supported with the funding.) In addition to direct assistance to victims, several grantees also developed brochures to share with communities about the new services available to trafficking victims. Several brochures are displayed at right; the Heartland Alliance's brochures were translated into Korean, Chinese, Polish and Spanish.



As part of the Office for Victims of Crime grants, grantee organizations must provide comprehensive services, including immediate housing. Some have partnered with shelters to ensure that trafficking victims have access to shelters appropriate for their needs. One grantee developed transitional housing, that could last for months, rather than the current norm of days or weeks. At the present time, these housing options are available in the geographical areas where grantees are working, and thus do not cover the entire country; however, federal agencies have worked with the grantees to effect transfer and placements for victims when the trafficking occurred elsewhere. One of the Office for Victims of Crime supplemental services grantees is working with several of its geographical divisions to develop more comprehensive and appropriate services for victims of sex trafficking at its local shelters. New options for relocating services to underserved areas will be made available through the Office for Victims of Crime's issuance of an additional \$8 million in grants in Fiscal Year 2004; the activities of those grantees will be covered in next year's Fiscal Year 2004 report to Congress.

In addition to benefits and services provided to trafficking victims under section 107(b) of the TVPA, the Office for Victims of Crime continues to fund two main formula grant programs that provide services to crime victims, including trafficking victims, through compensation and assistance programs in all 50 states, the District of Columbia, the U.S. Virgin Islands, Guam, and Puerto Rico. Compensation programs reimburse crime victims for crime-related expenses. Each state compensation program is administered independently, and most programs have similar eligibility requirements and offer comparable benefits. The victim assistance program funding is awarded to the states to support community-based organizations that serve crime victims.

## **2. Trafficking Victims Served by the Labor Department**

After passage of the TVPA, the Department of Labor's Employment and Training Administration sent a directive to its field offices outlining the provisions of the TVPA and explaining the obligation to provide Employment and Training Administration services to trafficking victims. The services provided at through the "One-Stop Career Centers" – notably

job search assistance, career counseling, and occupational skills training – may be of significant value to trafficking victims. Such services are provided by every state through local One-Stop service providers; the Employment and Training Administration does not collect information on the extent to which such services are offered or utilized by trafficking victims. The Employment and Training Administration’s Job Corps program also may provide useful job training opportunities.

The Wage and Hour Division is broadening its enforcement strategy to focus on all low-wage industries, including day-care facilities, restaurants, guard services, janitorial services, hotels and motels, and temporary help services, in addition to the traditional areas of agriculture, garment and health care. These industries tend to employ many vulnerable, and potentially trafficked, workers. Such broader enforcement may lead to the discovery of more trafficked people.

### **3. Trafficking Victims Served by the Legal Services Corporation**

Victims of trafficking often need legal assistance with immigration and other matters, and the Legal Services Corporation is well-placed to provide such assistance. The Legal Services Corporation is a private, non-profit corporation established by Congress which funds legal aid programs around the nation to help poor Americans gain equal access to the civil justice system. Since the passage of the TVPA, the Legal Services Corporation must make available legal assistance to trafficking victims, and has instructed its lawyers to do so. (See TVPA § 107(b) and guidance to the field, *available at* <http://www.lsc.gov/foia/pl/02-5.htm>.)

**Legal Services Corporation** grantees assisted 81 persons seeking services related to the TVPA in the following places:  
Florida (6 persons);  
Massachusetts’ Cape Cod and the Islands (1 person);  
Georgia (1 person);  
Texas (25 persons);  
Los Angeles, California (48 persons).

The Legal Services Corporation polled its grantees nationwide to determine whether any clients had required assistance under the TVPA during Fiscal Year 2003. Legal Services Corporation grantees assisted a total of 81 persons nationwide. The following grantees assisted particular victims: Florida Rural Legal Services, which serves approximately twelve rural Florida counties, assisted six persons; Legal Aid of Northwest Texas, which serves several dozen counties in North and West Texas and the entire Panhandle, assisted 25 persons; Legal Services of Cape Cod and the Islands (Massachusetts), which serves the far-eastern counties and townships of Massachusetts, assisted one person; Legal Services of Georgia, which serves the state of Georgia except for the Atlanta area, assisted one person; the Legal Aid Foundation of Los Angeles, which serves part of greater Los Angeles, assisted 43 persons; and Neighborhood Legal Services, which serves a different part of greater Los Angeles, assisted five persons. Assistance can take a variety of forms, from counsel and advice to a fully-litigated case. The minimum threshold is met when financial eligibility is established, and the person is accepted as a client for service.

**D. Immigration Benefits Given to Trafficking Victims: Continued Presence and T Nonimmigrant Status**

There are two immigration benefits available through the TVPA to trafficking victims who meet certain eligibility requirements. Victims may be authorized “continued presence” to temporarily remain in the United States if federal law enforcement determines that they are

*Applications for T visas in  
FY 2003  
received: 601  
approved: 297  
denied: 30*

potential witnesses to trafficking and submits a request on their behalf to the Department of Homeland Security.<sup>11</sup> Victims may also petition U.S. Citizenship and Immigration Services within the Department of Homeland Security to receive T nonimmigrant status, also known as a “T visa,” a status available to victims who have complied with reasonable requests for assistance in the investigation or prosecution of acts of trafficking. Victims who receive T

nonimmigrant status may remain in the United States for three years, and then may apply for lawful permanent residency subject to certain statutory criteria. The Departments of State and Justice have issued regulations to implement the continued presence provisions of the TVPA (66 Fed. Reg. 38514 (July 24, 2001)), and the Department of Justice has issued regulations allowing for applications for T nonimmigrant status (67 Fed. Reg 4784 (January 31, 2002)). These benefits are now available to eligible applicants. In Fiscal Year 2003, the Department of Homeland Security’s Vermont Service Center received 601 applications for T nonimmigrant status, approved 297, and denied 30, with the remaining pending as of the end of the fiscal year. Once a trafficking victim has held T nonimmigrant status for three years, he or she may apply to adjust status; the first T nonimmigrant status recipients will become eligible to adjust status beginning in 2005. The United States is currently the only country that offers the possibility of permanent residency to victims of trafficking.

When informed of a potential trafficking victim, federal prosecutors, with the assistance of the Federal Bureau of Investigation and U.S. Immigration and Customs Enforcement agents, typically mobilize to arrange an interview with the victim and reach a determination as to whether the victim has been subjected to a severe form of trafficking under the TVPA. The interview enables prosecutors and investigators to assess the victim’s willingness to assist law enforcement efforts. Federal law enforcement has also assisted victims by filling out law enforcement endorsements

*Requests from federal law enforcement  
for continued presence for trafficking  
victims who are potential witnesses  
Fiscal Year 2003  
active cases: 88  
closed out cases\*: 63  
granted: 22  
denied: 0  
\*were granted T visas*

<sup>11</sup>As of March 1, 2003, the functions of the Immigration and Naturalization Service were transferred to the Department of Homeland Security and placed within Directorate of Border and Transportation Security and U.S. Citizenship and Immigration Services.

for T nonimmigrant status applications and by applying for continued presence for victims to remain in the United States during the pendency of the investigation.

To place in context the Fiscal Year 2003 numbers regarding trafficking victims' applications for immigration benefits, from the creation of these new immigration benefits in the TVPA through Fiscal Year 2003, approximately 450 victims of trafficking had accessed immigration benefits, either by receiving continued presence or by receiving T nonimmigrant status. Specifically, as of September 30, 2003, the Department of Homeland Security had granted 374 continued presence requests and as of November 30, 2003 had received 757 T nonimmigrant status applications, 328 of which resulted in T nonimmigrant status grants, 38 of which were denied, and the remaining of which were pending. Please note that many trafficking victims who received continued presence later applied for and received T nonimmigrant status; therefore, the total of approximately 450 victims served over the life of this program reflects victims who have received both types of benefits.

When the Department of Justice issued regulations outlining the eligibility requirements for T nonimmigrant status, it included a provision that noncitizens victimized prior to passage of the TVPA needed to apply by the end of January 2003. Those victimized in the past are included in the 757 total. The U.S. Government is uncertain whether many more people were victimized in the past and chose not to apply, or whether this was the universe of all eligible victims. Federal prosecutors made efforts to reach out to victims whose cases they were handling or had handled in the past to let them know about the availability of such benefits. The Department of Homeland Security also engaged in outreach efforts to bring these new benefits to the attention of victims.

The greatest challenge for the immediate future is locating and identifying victims. The U.S. Government has assisted on the order of 450 victims since enactment of the TVPA, but sustained efforts can bring forward other victims. In the 2003 ASSESSMENT, we articulated a plan to engage in a variety of outreach and training activities to meet this need; these activities are outlined in Section G.

## **1. Repatriation For Victims Who Choose To Go Home**

Note that not all victims have chosen to remain in the United States; some have requested repatriation to their home countries, either during the investigation or upon its conclusion. In one case, a group of juvenile victims requested to be reunited with family members in their native country, though the victims expressed their willingness to return to the United States to testify against the traffickers at trial. In another investigation, a victim of Indo-Nepalese origin requested repatriation to India in order to reunite with her daughter. In these few instances, Department of Justice personnel assisted in maintaining housing and victim benefits pending repatriation. Further, U.S. Government personnel have assisted in the repatriation process itself by liaising with foreign governments in order to facilitate the victim's return and to ensure that the victim is not trafficked again. Repatriation assistance continues to be a small part of the U.S. Government's activities to assist victims, primarily because so many victims would like to remain in the United States.

## **2. Victim-Friendly Activities by Immigration Officials**

U.S. Immigration and Customs Enforcement has also engaged in a number of “victim friendly” activities, including the following:

- Trafficking victims are often in poor health, have had little professional health care, and have received few, if any, inoculations. Trafficking in persons thus raises both public health concerns (particularly regarding Hepatitis B and Tuberculosis) and concerns for the health of the victims themselves. U.S. Immigration and Customs Enforcement therefore convened in October 2002 a multi-agency work group that included the U.S. Public Health Service and the Departments of State and Justice to address the health aspects of trafficking in persons.
- U.S. Immigration and Customs Enforcement operates a toll-free 1-800 line for victims and non-governmental organizations to communicate directly with the U.S. Immigration and Customs Enforcement victim-witness assistance program. (This phone line is distinct from those operated by the Department of Justice and the Department of Health and Human Services, described in sections G(1) and G(3), respectively, of this report.)
- In 2003, U.S. Immigration and Customs Enforcement provided each “Special Agent in Charge” office, which covers a geographic area for purposes of immigration and customs matters, with limited funds to purchase items needed for trafficking victims. Funding could be used for car seats to transport minor children of trafficking victims safely, or to purchase clothing, personal hygiene items, bags to transport personal belongings, cots for children, and other needed items.
- U.S. Immigration and Customs Enforcement retro-fitted 75 cars (three for each Special Agent in Charge office) with tinted glass so investigators and victim-witness coordinators could transport victims, including trafficking victims, with confidentiality.
- U.S. Immigration and Customs Enforcement coordinated with the Special Agent in Charge office in New York to provide nationwide translation services for victims of trafficking in U.S. Immigration and Customs Enforcement investigations.
- U.S. Immigration and Customs Enforcement purchased teddy bears to be utilized by agents and victim-witness coordinators when they encounter juvenile trafficking victims who are too traumatized or terrified to communicate. The bears have become an investigative tool to make children feel more comfortable and willing to discuss their victimization with criminal investigators.

Providing trafficking victims with assistance and treating them with dignity remains a constant goal of U.S. Government agencies that are often precluded from assisting aliens in any other context. Nonetheless, we believe we are making inroads into the creation of “victim-friendly” processes.



## **E. Investigations and Prosecutions of Trafficking in Persons**

### **1. Investigations and Prosecutions of Traffickers**

Human trafficking cases are among the most labor- and time-intensive matters undertaken by the Department of Justice. They often involve large numbers of victims; language barriers; multiple investigating agencies; overseas investigations; and, in many cases, severe sexual or physical traumatization of victims and witnesses, requiring the expertise of various professionals, including rape counselors, psychiatrists, physicians, and child interview specialists.

Within the Department of Justice, the Criminal Section of the Civil Rights Division, in collaboration with United States Attorneys' Offices nationwide, has principal responsibility for prosecuting human trafficking crimes, except for cases involving trafficking in children, which is a specialization of the Child Exploitation and Obscenity Section of the Criminal Division. Since its creation in 1957, the Civil Rights Division, at first relying on general civil rights statutes, has investigated and prosecuted cases of exploitation in which force and threats of force were used to compel persons to work involuntarily, or to engage in prostitution or other sexual exploitation. Similarly, the Child Exploitation and Obscenity Section historically has taken a leading role in the prosecution of cases involving prostitution, with a particular focus on sex tourism and trafficking of minors for sexual exploitation.

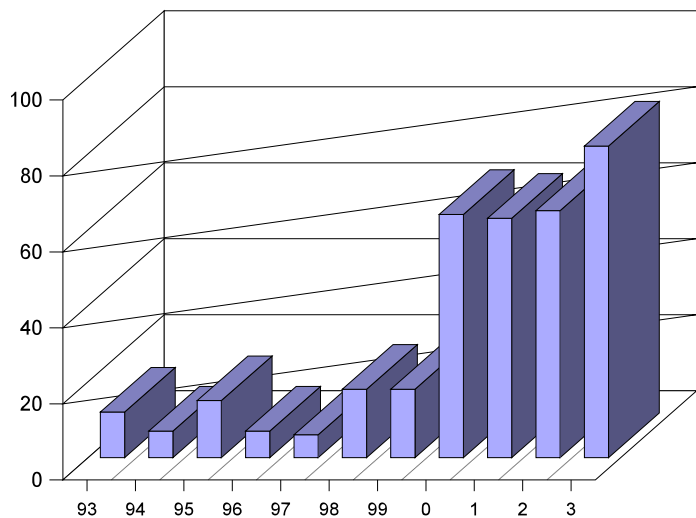
Investigations of trafficking in persons are undertaken by Federal Bureau of Investigation and U.S. Immigration and Customs Enforcement agents. Federal Bureau of Investigation agents investigate the spectrum of federal criminal civil rights violations, crimes against children, and organized crime. U.S. Immigration and Customs Enforcement agents follow the strategic priorities of border security and immigration enforcement. These strategic priorities allow for a comprehensive law enforcement approach to address the scourge of human trafficking – both internationally and domestically. The combination on March 1, 2003 of the investigative and intelligence arms of the former Immigration and Naturalization Service and the U.S. Customs Service and their respective international offices created an enormous investigative and intelligence infrastructure to address all aspects of human trafficking – forced child labor, human trafficking for sexual exploitation or labor, and sex tourism. The responsibility for the domestic enforcement of the TVPA is located in the Federal Bureau of Investigation headquarters Civil Rights Unit and in field offices, as well as in the Human Smuggling/Trafficking Unit at U.S. Immigration and Customs Enforcement headquarters and in its Special Agent in Charge offices. On October 10, 2003, the overseas offices from the legacy agencies at the Department of Homeland Security were officially combined into U.S. Immigration and Customs Enforcement's International Affairs, which has assumed responsibility for certain aspects of international enforcement of the TVPA.

Specifically, Federal Bureau of Investigation agents in the Civil Rights Unit liaise with agents in the Organized Crime and Crimes Against Children Units to ensure that smuggling cases are identified appropriately as trafficking cases when exploitation is present, that organized crime groups that traffic in commodities are identified as human trafficking operations if applicable, and that trafficking aspects of Internet crimes against children or sex tourism investigations are

examined. In addition, U.S. Immigration and Customs Enforcement agents employ the combined investigative strategies of the legacies created by the Immigration and Naturalization Service and the U.S. Customs Service to investigate trafficking crimes; U.S. Immigration and Customs Enforcement financial investigative divisions follow systematically the trail of illicit money of the organizations that traffic in humans; U.S. Immigration and Customs Enforcement asset identification removal groups at each Special Agent in Charge office target the finances and assets of trafficking organizations and focus on civil asset forfeiture; and the U.S. Immigration and Customs Enforcement Law Enforcement Support Center serves as a national enforcement operations and intelligence center that provides timely information on the status and identities of aliens, which, in turn, allows U.S. Immigration and Customs Enforcement to arrest rapidly and maintain custody of potential traffickers under immigration charges while further criminal investigations are being completed. In addition, the U.S. Immigration and Customs Enforcement Cyber Crime Center focuses on child exploitation investigations, including those under the PROTECT Act of 2003. Finally, through U.S. Immigration and Customs Enforcement’s global network of Foreign Attachés in 52 locations, immigration investigators collaborate on international investigations. U.S. Immigration and Customs Enforcement investigations support prosecutions of traffickers by the Department of Justice’s prosecutors.

Despite increased pressures on the Department of Justice’s investigative resources in the wake of September 11, 2001, the Department of Justice’s trafficking caseload has steadily grown. Indeed, as the chart below shows, in Fiscal Year 1993, there were twelve trafficking investigations initiated; by Fiscal Year 2003, there were 82 investigations initiated, nearly seven

**New Investigations**

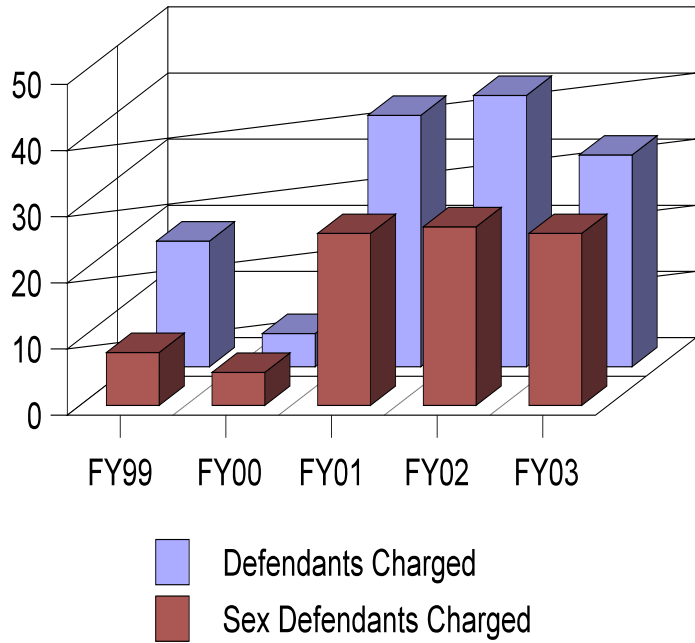


times as many. As of April 2004, the Criminal Section of the Civil Rights Division had 153 open trafficking investigations – twice as many as were open in the first quarter of Fiscal Year 2001. Over one-half of these investigations have been initiated as a result of the “Trafficking in Persons and Worker Exploitation Task Force Complaint Line,” established in February 2000 and described in greater detail in Section VI on outreach and training. As a result of the Department’s outreach and public education campaigns, the Complaint Line has received increased publicity, and is now an important means by which victims, witnesses, good Samaritans and others report potential trafficking matters to the Department of Justice.

In Fiscal Years 2001 to 2003, the Department of Justice’s Civil Rights Division and U.S. Attorneys’ Offices initiated prosecutions of 110 traffickers, nearly a three-fold increase compared to the previous three fiscal years. In Fiscal Years 2001 to 2003, the Department of Justice secured 78 convictions and guilty pleas, a 50 percent increase over the previous three years. As

the chart to the right indicates, in Fiscal Year 1999 nineteen trafficking defendants were charged by the Civil Rights Division and U.S. Attorneys' Offices, and in Fiscal Year 2003 30 defendants were charged. As a subset of these cases, there has also been an increase in the number of defendants charged in sex trafficking cases, from eight charged in Fiscal Year 1999 to 25 charged in Fiscal Year 2003.

## Defendants Charged



As the rate of reporting of trafficking crimes has increased, it has become clear that no state or territory is immune to human trafficking.

Trafficking investigations have been initiated in every state and territory of the United States except for four states.

Moreover, trafficking prosecutions through Fiscal Year 2003 have involved

victims transported from countries around the world, notably Bangladesh, Cameroon, China, El Salvador, Ghana, Guatemala, Honduras, Indonesia, Jamaica, Mexico, Russia, Thailand, Tonga, the United States, Uzbekistan, and Vietnam.

To place in context the increases in investigations and prosecutions shown in the two preceding charts, the TVPA's passage in 2000 allowed for the possible investigation and prosecution of new crimes, namely forced labor; trafficking with respect to peonage, slavery, involuntary servitude, or forced labor; sex trafficking of children or by force, fraud or coercion; unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor; and attempts to engage in these behaviors. The TVPA also provided for forfeiture and mandatory restitution. The new law also substantially increased the maximum penalties for crimes previously associated with the Mann Act's prohibition against transportation for sexual exploitation. Nonetheless, in Fiscal Year 2003 there continued to be refinements to the federal criminal law. The TVPRA provided for such refinements in December 2003 by passing jurisdictional amendments to 18 USC § 1591 and including the TVPA trafficking offenses as predicates in racketeering cases.

In order to further increase law enforcement and prosecutorial efforts to combat trafficking in persons, Attorney General Ashcroft has made it a priority to create and develop task forces through local U.S. Attorneys' Offices where the greatest number of trafficking incidents occurs. Prosecutors are assisting efforts to develop regional anti-trafficking task forces in New York City; statewide in Florida; Chicago; Cleveland; Dallas; Denver; Los Angeles; Atlanta; and San Diego. These regional task forces represent a partnership among non-governmental organizations, local and federal law enforcement agencies, and U.S. Attorneys'

Offices. Since the start of Fiscal Year 2002, multiple anti-trafficking task force meetings and training sessions have taken place or are being organized for the listed cities. The U.S. Government is aware, however, that such task forces are difficult to sustain long-term unless a case arises to activate them. As such, the development of task forces is an ongoing endeavor.

Law enforcement efforts to investigate trafficking in persons include the work of the Department of Labor, which continues to increase its emphasis on compliance with labor standards laws, such as the Fair Labor Standards Act and Migrant and Seasonal Agricultural Worker Protection Act, in low-wage industries like garment manufacturing and agriculture. Department of Labor civil law enforcement responsibilities relating to trafficking are carried out by the Wage and Hour Division with the support of the Solicitor's Office. The Wage and Hour Division is broadening its enforcement strategy to focus on other low-wage industries, including healthcare, day-care facilities, restaurants, guard services, janitorial services, hotels and motels, and temporary help agencies. These industries include a substantial concentration of undocumented, and sometimes trafficked, workers. Wage and Hour investigators are in workplaces every day, and often are the first government authorities to witness exploitive conditions and to talk to victims. These investigators collaborate closely with Department of Justice criminal investigators, notably through the federal Trafficking in Persons and Worker Exploitation Task Force, which coordinates trafficking investigations.

The following charts show all trafficking prosecutions during the last five fiscal years as well as those prosecuted under the TVPA during the last three fiscal years.

All Trafficking Prosecutions <sup>12</sup>

All Trafficking Prosecutions	FY98	FY99	FY00	FY01	FY02	FY03
<b>Cases Filed</b>						
Total	2	6	3	10	10	12
Sex (subset of total)	1	2	3	4	7	9
<b>Defendants Charged</b>						
Total	19	19	5	38	41	31
Sex (subset of total)	16	8	5	26	27	25
<b>Convictions</b>						
Total	25	13	10	23	28	26
Sex (subset of total)	4	5	7	15	23	21

<sup>12</sup> These Fiscal Year 2003 numbers reflect activities through September 2003. Where a previously reported case has been superseded, it is not counted as a new case, but additional defendants not previously counted are included.

TVPA Prosecutions

TVPA Prosecutions	FY01	FY02	FY03
<b>Cases Filed</b>			
Total	5	7	9
Sex (subset of total)	2	5	7
<b>Defendants Charged</b>			
Total	11	21	24
Sex (subset of total)	6	13	20
<b>Convictions</b>			
Total	5	6	17
Sex (subset of total)	3	6	14

To understand the full picture of prosecutorial and investigative efforts against trafficking in persons, it is useful to keep in mind the progression of trafficking cases through the criminal justice system. The case synopses below reflect new investigations, new cases, on-going prosecutions, defendants charged, defendants convicted, and defendants sentenced in Fiscal Year 2003.

**2. Trafficking Charges Brought in Fiscal Year 2003**

Below are listed some trafficking cases that were initiated in Fiscal Year 2003.

*United States v. Maka* (Hawaii)

Starting in 2001, a landscape maintenance contractor and rock wall builder allegedly transported four Tongan men to Hawaii where they were forced to work in his businesses to repay the transporting expenses. The victims were housed in shacks on the subject's pig farm and were required to work in excess of twelve hours a day, six days a week for approximately \$60 to \$100 per week. The contractor was first indicted in January 2003, with a superseding indictment returned in June 2003. The local U.S. Attorney's Office, along with the Civil Rights Division, is prosecuting the case.

*United States v. Soto-Huarte* (Texas)

In February 2003, U.S. Immigration and Customs Enforcement agents initiated Operation Pinkston after law enforcement encountered two women who were stripped,

In *Soto*, the Department of Justice obtained the longest sentence ever received under the TVPA, 23 years of imprisonment.



gang-raped and dropped off near a roadway. U.S. Immigration and Customs Enforcement identified two additional female victims and rescued them. Investigators from U.S. Immigration and Customs Enforcement and the Federal Bureau of Investigation and prosecutors from the Civil Rights Division and the local U.S. Attorney's Office discovered that from January through March 2003, alien smugglers brought newly-arrived illegal aliens across the U.S.-Mexico border to trailer "safehouses" where women were kept and forced to cook, clean, and submit to rapes at the hands of the smugglers. Seven defendants pled guilty, one of whom fled after entering his plea and is a fugitive. Sentencing for the other six defendants was in January 2004; the sentences were 23 years – the longest sentence received under the TVPA to date, fourteen years, ten years, two years three months, fifteen months, and four months in prison. The ringleaders were also required to pay restitution to the victims.

*United States v. Martinez-Uresti (Texas)*

Through Operation Dead End, the San Antonio U.S. Immigration and Customs Enforcement office investigated and the local U.S. Attorney's Office prosecuted a situation in which the defendant Martinez-Uresti executed employment contracts with minor females and their parents, falsely representing that the minor females would work for one year in a restaurant to repay their \$1,500 smuggling fee. Once the girls reached the United States, they were held against their will and forced to engage in prostitution to repay the smuggling fee. On October 10, 2003, defendant Maricela Martinez-Uresti pled guilty to sex trafficking of children and human smuggling violations, and was sentenced to 108 months in prison. The co-defendant, Violeta Juanita de Hoyos-Hernandez, pled guilty to human smuggling violations and was sentenced to seven months in prison.

*United States v. Trisanti and Nasution (California)*

Two defendants were charged with trafficking Indonesian women into the United States and then forcing them to work as domestic servants against their will by threats and physical violence. The victims were told they were not free to leave and their passports were seized. Defendant Trisanti pled guilty to involuntary servitude on January 16, 2004, and sentencing is scheduled for July 2004. The Civil Rights Division is prosecuting the case.

*United States v. Bradley and O'Dell (New Hampshire)*

In a case prosecuted by the Civil Rights Division and the local U.S. Attorney's Office, two U.S. citizens were convicted on eighteen counts of forced labor and wire fraud for their treatment of Jamaican citizens brought to New Hampshire to work in their tree cutting business. The shed in the photograph at right is where the victims slept at night. Bradley and O'Dell were convicted of conspiracy to commit forced labor, forced labor, trafficking for the purpose of forced labor, and illegally confiscating passports for forcing two of these men to work. The convictions were the culmination of a seventeen-month investigation by the Federal Bureau of Investigation, the Diplomatic Security Service and the Litchfield Police



Department and represent the second convictions at trial of violations of the TVPA's forced labor statute, 18 U.S.C. § 1589.

*United States v. Salazar-Juarez* (California)

The defendant pled guilty to conspiring to bring to the United States and harbor aliens for financial gain and prostitution. Along with his brother, who is a fugitive, the defendant recruited women from Mexico, transported them into the United States, and provided them with apartments to operate a prostitution ring in southern California. The U.S. Attorney's Office is prosecuting the case, in consultation with the Civil Rights Division.

**3. Trafficking Prosecutions Ongoing During Fiscal Year 2003**

Several case examples illustrate the extent to which the Department of Justice has mobilized, along with its investigative partners, to prosecute trafficking in persons.

*United States v. Kil Soo Lee* (American Samoa)

In *United States v. Kil Soo Lee*, the largest trafficking prosecution ever brought by the Department, the Civil Rights Division led a long and difficult investigation resulting in a 22-count indictment against five defendants charged with subjecting workers to involuntary servitude in a garment factory in American Samoa. Specifically, the indictment, filed in federal court in Hawaii,



charged that the defendants brought over 250 Vietnamese and Chinese nationals, mostly young women, to work as sewing machine operators in a Daewoosa garment factory. The victims, some of whom were held for up to two years, were forced to work through extreme food deprivation, beatings and physical restraint. The victims were held in barracks on a guarded company compound (see the picture above right), and were threatened with confiscation of their passports, deportation, economic bankruptcy, severe economic hardship to family members, false arrest, and a host of other consequences. One victim had an eye gouged out by a defendant who struck her with a jagged pipe in order to punish her for refusing to comply with the defendants' orders.

Two of the five defendants entered guilty pleas on August 31, 2001 to conspiracy for their involvement in the scheme. The trial of the remaining three defendants lasted approximately three months and concluded on February 21, 2003 when the jury convicted Lee, the owner of the factory and leader of the operation, on nearly all counts. Sentencing is in June 2004. The other two defendants, his subordinates, were acquitted.

For their service in investigating and prosecuting the case and assisting the victims, the U.S. Attorney's Office (District of Hawaii) and Civil Rights Division prosecutors, victim-witness coordinators, Federal Bureau of Investigation agents, and a Department of Homeland Security attorney received the Attorney General's Award for Exceptional Service on July 30, 2003.

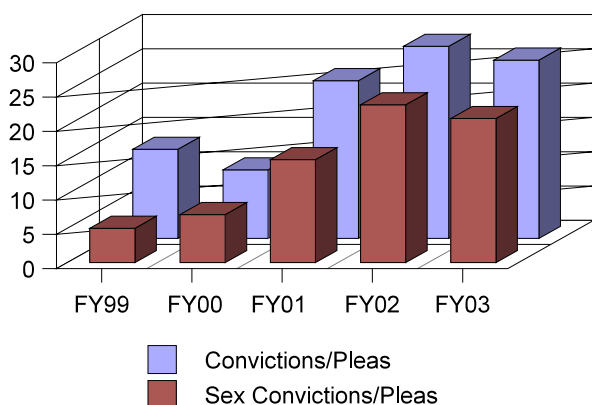
*United States v. Juan and Jose Rojas* (Georgia)

Two defendants were charged with importing a young Mexican female into the United States with the intention of forcing her into prostitution. The defendants allegedly persuaded her and possibly other young women to come to the United States to work in a restaurant, and then denied them food and threatened them with harm and abandonment if they indicated any unwillingness to work as prostitutes. The investigation and prosecution, headed by the Civil Rights Division and the local U.S. Attorney, is continuing.

**4. Convictions for Trafficking Secured During Fiscal Year 2003**

Chronicled below are examples of convictions secured during Fiscal Year 2003. As the chart below indicates, there were 26 convictions or pleas in Fiscal Year 2003, 21 of which involved sex trafficking.

**Defendants Convicted**



*United States v. Blackwell and Blackwell* (Maryland)

After a three-week trial, a husband and wife (natives of Ghana) were convicted in June 2003 of conspiring to smuggle a woman from Ghana into the United States to work as an unpaid domestic servant and nanny. The defendants hid the victim's passport and required her to perform household chores, including cleaning other people's homes, with little or no compensation. The defendants had also threatened to have her deported and imprisoned if she did not do as they instructed. A co-defendant, a member of the Ghanaian parliament, remains charged and is facing extradition to the United

States. The local U.S. Attorney's Office and the Civil Rights Division prosecuted the case; this is the first conviction after trial under 18 U.S.C. § 1589. The wife was sentenced to 63 months in prison, while the husband received six months of home detention and three years probation.

*United States v. Quinton Williams* (Nevada)

The defendant was convicted on April 2, 2003 of sex trafficking of children, transporting both a minor and an adult for prostitution, money laundering, and interstate travel in aid of racketeering. Williams was sentenced on June 20, 2003 to 125 months in prison and ordered to pay a \$2,500 fine. As the operator of a prostitution business, the defendant transported the sixteen-year-old juvenile and adult victims cross-country by car to Indiana, Texas, Arizona, and Nevada, where he supervised their prostitution activities and collected and kept all of their earnings. The defendant, who has prior felony convictions for attempted robbery and narcotics trafficking, filed only one federal individual income tax return in the past ten years with fewer than \$500 total reported earnings. The case was investigated by the Internal Revenue Service and the Las Vegas Metropolitan Police Department, was prosecuted by the local U.S. Attorney's Office in consultation with the Child Exploitation and Obscenity Section, and was the first prosecution in Nevada under 18 U.S.C. § 1591.

*United States v. Lozoya* (Texas)

Two defendants pled guilty to charges arising from their illegal transportation of a young Mexican woman into the United States to perform domestic work. The Mexican woman, along with her baby daughter, was held in a trailer where the family mistreated them; the family's failure to obtain medical assistance resulted in the death of the baby. The local U.S. Attorney's Office and the Civil Rights Division prosecuted the case; each defendant was sentenced on June 25, 2003 to prison terms of fifteen years and five years respectively.

*United States v. Ramos* (Florida)

In *Ramos*, three defendants were charged on May 9, 2002 with illegally transporting Mexican citizens to Florida to work in fruit harvesting fields, and then forcing the victims to work by threatening beatings and death if they tried to leave; they subjected the victims to constant surveillance. In addition, the defendants pistol-whipped van drivers whom they suspected of assisting workers to flee from the defendants' fields. Department of Justice attorneys secured convictions at trial in the Southern District of Florida. On March 2, 2004 defendant Ramiro Ramos received a prison sentence of 180 months to be followed by three years of supervised release; he was also fined \$20,000 and ordered to forfeit property valued at over \$3 million. His brother Juan is due to be re-sentenced (for reasons unrelated to his trafficking charges) in May 2004.

*United States v. Guzman, et al.* (Georgia)

Four defendants were charged in a superseding indictment on January 30, 2003 with conspiring to transport and harbor three female aliens for prostitution, including two juveniles, from Mexico into the United States and forcing them to engage in prostitution in the Atlanta metropolitan area. One of the four defendants pled guilty to conspiring to violate the Mann Act and to importing, harboring and employing young Mexican female aliens for the purpose of prostitution; on July 30, 2003 he was sentenced to 33 months in prison. Trial is pending on the other defendants; the case is being prosecuted by the Civil Rights Division and the local U.S. Attorney's Office.

*United States v. Jimenez-Calderon, et al.* (New Jersey)

In *United States v. Jimenez-Calderon*, the Criminal Section, in collaboration with the U.S. Attorney's Office for the District of New Jersey, secured one of the first convictions under 18 U.S.C. § 1591. The Child Exploitation and Obscenity Section consulted on this matter as well. In this case, five defendants were charged on September 26, 2002 with conspiring to lure and transport young Mexican girls into the United States under false pretenses, and then forcing them into prostitution, using physical violence and threats to maintain strict control over them. In addition to the five indicted defendants, three other traffickers entered guilty pleas to sex trafficking charges in September and October 2002. On the eve of trial, three of the five remaining defendants entered guilty pleas to various offenses, including conspiracy, sex trafficking by force, fraud or coercion, and conspiracy to obstruct justice. Having previously pled guilty, two of the defendants were sentenced to 210 months in prison (one of the

One trafficker received a 210-month sentence – more than seventeen years of imprisonment – one of the longest prison sentences ever received under the TVPA.

longest prison terms to date for charges brought under the TVPA), while a third defendant was sentenced to 44 months in prison. As an offshoot of the original investigation, called Operation Sonic, Newark U.S. Immigration and Customs Enforcement agents conducted Operation Supersonic; on August 7, 2003 they executed ten search warrants that were obtained as a result of a human smuggling investigation worked jointly with the New York Police Department and the U.S. Department of Labor. On October 21, 2003, defendant Pedro Garcia-Burgos pled guilty and was sentenced to 96 months imprisonment in the District of New York. On January 20, 2004, four additional subjects were charged for violations ranging from human smuggling to transportation in aid of a racketeering enterprise.

*United States v. Flores* (North Carolina)

Wilmer Martin Flores was indicted on November 4, 2002 and later pled guilty on September 25, 2003 to charges including conspiracies to transport both a minor and an adult for the purposes of illegal sexual activity. Flores was the purported leader of a group (including two other men and a woman) who traveled interstate with the thirteen-year-old niece of one of the defendants and had the minor child and the female defendant engage in prostitution for money. The three other conspirators were similarly charged and previously pled guilty. The four co-conspirators were sentenced to terms of imprisonment of 46 months, 121 months, 180 months, and 235 months. The local U.S. Attorney's Office prosecuted this case in consultation with the Child Exploitation and Obscenity Section.

**5. Sentences Obtained in Trafficking Cases in Fiscal Year 2003**

The TVPA specifically amended and created various sentencing guidelines to provide for higher sentences in trafficking cases. It also created a mandatory restitution section and a forfeiture provision. These three sections operate together to ensure that defendants convicted of trafficking in persons receive sentences that reflect the seriousness of their crimes.

In response to the TVPA's requirements, in November 2002 the U.S. Sentencing Commission permanently amended guidelines that characterize human trafficking offenses as crimes for which sentences should be increased if the conduct involved a large number of victims, a pattern of continued and flagrant violations, the use or threatened use of a dangerous weapon, or death or bodily injury to the victim. Other factors that could have an impact on a sentence include the amount of time the victims were held in servitude, the vulnerability of the victims, whether the victims were restrained, and whether the defendant's motivation involved bias. A sentence can also be affected by the defendant's prior criminal history, his or her role in the crime, and his or her willingness to accept responsibility. Because the criminal provisions of the TVPA cannot be applied retroactively, however, there have been to date only a handful of cases prosecuted in which the enhanced sentencing provisions apply, and the bulk of these cases were or will be sentenced in Fiscal Years 2003 and 2004. These considerations are important in reviewing any comparative sentencing data.

In order to present the data required by this report, the Department of Justice's Bureau of Justice Statistics reviewed the Administrative Office of the U.S. Courts (AOUSC) criminal case



database<sup>13</sup> to preliminarily calculate average sentence length for cases completed in Fiscal Year 2003 that involved the trafficking offenses of 18 U.S.C. §§ 1581 (peonage), 1583 (enticement for slavery), 1584 (sale into involuntary servitude), 1589 (forced labor), 1590 (trafficking with respect to peonage/slavery/involuntary servitude/forced labor), 1591 (sex trafficking of children or by force, fraud or coercion), 1592 (unlawful conduct with respect to documents in furtherance of trafficking), and 1594 (general provisions). We note that this calculation differs from the case statistics presented in the preceding charts, because the AOUSC database tracks the statutes involved in a court case rather than the underlying facts of each case. As a result, the AOUSC database search was unable to determine sentences in trafficking prosecutions in which defendants pled guilty to non-trafficking offenses such as immigration violations or visa fraud. In addition, the AOUSC database chronicles only the top five offenses charged, and not the universe of charges brought.

Based on the AOUSC database search, in Fiscal Year 2003, there were 20 defendants in cases filed in U.S. district court where one of the above statutes was indicated. In addition, in Fiscal Year 2003 there were twelve defendants in cases concluded where a trafficking statute was indicated. Ten defendants were convicted and, of these, eight received a prison term, one received a suspended sentence and one received another sanction (*e.g.*, fine). The average prison term for the eight defendants was 127 months and ranged from 33 months to 270 months (specifically: one with 33 months, one with 44 months, one with 46 months, one with 60 months, one with 125 months, one with 168 months, and one with 270 months).

## **6. Child Sex Tourism and Child Prostitution Investigations**

Beyond trafficking in persons investigations, a law was enacted in 2003 to give U.S. authorities better tools to combat international child sex tourism and commercial sexual exploitation of children as well as domestic federal offenses of child abuse, child kidnaping, and child torture. In April 2003, the PROTECT Act was signed into law by President Bush. The PROTECT Act serves as a historic milestone for protecting children while severely punishing those who victimize young people. Of particular note, the PROTECT Act allows U.S. law enforcement officers to prosecute American citizens or permanent residents who travel abroad and sexually abuse minors while overseas ("child sex tourists"). The law also strengthens the punishment of child sex tourists. If convicted, child sex tourists now face up to 30 years imprisonment, an increase from the previous maximum of fifteen years. The PROTECT Act made numerous other changes to the law with a focus on protecting children from sexual predators, including: extending the statute of limitations for federal crimes involving the abduction or physical or sexual abuse of a child for the lifetime of the child; expanding the

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<sup>13</sup>Two groups of data were used from the AOUSC criminal master file to complete this ASSESSMENT: defendants in criminal cases filed and defendants in criminal cases concluded. The first file describes the number of defendants in cases filed in Fiscal Year 2003, which includes the filing of an indictment, information, complaint or other significant paper against a defendant in U.S. district court. The second file describes the number of defendants in criminal case adjudicated in U.S. district court, the number convicted, and the sentences imposed in Fiscal Year 2003. Because of the time it takes to process a case, a defendant appearing in the "case filed" data group does not necessarily appear in the "case adjudicated" data group. Up to five filing offenses are reported per defendant.



potential reach of federal sex trafficking prosecutions by extending federal jurisdiction to crimes committed in foreign commerce; establishing parallel penalty enhancements for the production of child pornography overseas; and criminalizing actions to arrange or facilitate the travel of child sex tourists.

Below is a sampling of child sex tourism and child prostitution cases investigated by the Federal Bureau of Investigation and U.S. Immigration and Customs Enforcement and prosecuted by the U.S. Department of Justice.

*United States v. Carlos Curtis* (District of Columbia)

On December 3, 2003, a federal Grand Jury in the District of Columbia returned an indictment against Carlos Curtis charging him with sex trafficking, transporting a minor in interstate commerce for prostitution, transportation of any person for prostitution, production of child pornography, and transporting child pornography in interstate commerce. The FBI began investigating this case as part of "Operation Innocence Lost." Carlos Curtis and other associates recruited a twelve year-old girl in Times Square in New York, brought her to a hotel room in Brooklyn, where he photographed the girl engaged in sexually explicit conduct with an adult prostitute, and then transported her by car with another minor and an adult prostitute from New York to Washington, D.C. He provided the twelve year-old clothing he deemed appropriate, instructed her on how much to charge for particular sex acts, and sent her out as a prostitute in the District of Columbia. The group was apprehended by a Washington, D.C. police officer.

*United States v. Molina, et al.* (Texas)

In 2002, nine defendants were charged with conspiring to smuggle and harbor illegal aliens from Honduras to Fort Worth, Texas, under false pretenses that they would be employed as waitresses in restaurants. Once in the United States, the victims – women and girls – were forced to work in bars entertaining men in order to pay off their smuggling and other debts. In September 2002, six of the nine defendants entered guilty pleas. Four defendants pled guilty to conspiring to smuggle and harbor illegal aliens, while one other defendant pled guilty to smuggling illegal aliens, and another pled guilty to transporting illegal aliens. On January 3, 2003, these six defendants were sentenced to terms of incarceration ranging from 27 to 63 months. Three remaining defendants are in fugitive status.

*United States v. Michael Clark* (Washington State)

On September 24, 2003, ICE agents arrested and charged Michael Clark, 69, of Seattle, Washington, with traveling to Cambodia to attempt to and engage in illicit sexual conduct with two young Cambodian boys, age 10 and 13. Over the past five years, Clark spent considerable time in Cambodia; he traveled to Phnom Penh, targeted boys ranging in age from 10 to 18 along the river front, and paid the boys for engaging in sexual contact with him. Clark may have molested as many as 40 to 50 children in Cambodia. Clark was the first person to be charged under the recently-passed PROTECT Act. This investigation was the result of efforts by the U.S. Attorneys Office in Seattle, the Child Exploitation and Obscenity Section of the Criminal Division, ICE agents in Seattle, and the U.S. Customs and Border Protection Attache in Bangkok, in coordination with the Cambodian National Police Commissioner General, the Prime Minister of Cambodia, the US Ambassador to Cambodia, the Australian Federal Police, other law

enforcement and non-governmental organizations. Clark was arrested as a result of the Department of Homeland Security's Operation Predator.

*United States v. John W. Seljan* (California)

On October 15, 2003, John W. Seljan, 85, of Garden Grove, California was charged in a nine-count indictment with attempted travel for the purpose of illicit sexual conduct; use of a interstate or foreign facility for the purpose of enticing a minor; production of child pornography and possession of child pornography. Beginning in November 2002 and continuing to September 2003, ICE agents intercepted three Federal Express packages containing currency and typewritten letters from Seljan to two minor girls, nine and eleven years of age, located in the Philippines. The letters were sexually explicit and described what Seljan would do to the minors once he arrived in the Philippines. Agents from ICE arrested Seljan at Los Angeles International Airport on October 3, 2003 as he was about to board an international flight to the Philippines. At the time of his arrest, Seljan had a briefcase full of correspondence to and from the Philippines, a large sum of currency, as well as Polaroid pictures of explicit sexual conduct involving him and minor Filipino girls, a number of sex toys, pornographic magazines and approximately 100 pounds of candy. Seljan was the second person charged under the recently passed PROTECT Act.

**F. International Grants to Combat Trafficking**

The ideal way to combat trafficking is to forestall the victimization of people in the first place. Because the United States is a destination country for trafficked people, those activities in which the U.S. Government engages abroad are particularly important in preventing trafficking. Through the Department of State, the Department of Labor's Bureau of International Labor Affairs and the U.S. Agency for International Development, the U.S. Government gives a substantial amount of international assistance aimed at preventing trafficking in persons, as well as improving the treatment of victims and the prosecution of traffickers abroad.

The Department of State has focused considerable diplomatic and political attention on the issue of trafficking in persons in bilateral and multilateral relations, particularly through the engagement of the Office of the Undersecretary of Global Affairs and the Office to Monitor and Combat Trafficking in Persons. Specifically, the United States actively pursues awareness-raising about this issue bilaterally with foreign governments; through multilateral conferences, speeches, and outreach to non-governmental organizations; and by bringing people together from around the world to develop regional plans of action on trafficking. The U.S. Government has demonstrated leadership in several international and regional conferences focused on human trafficking, facilitating several of them. For example, in February 2003 the Department of State hosted an international conference in partnership with the non-governmental War Against Trafficking Alliance, entitled "Path-breaking Strategies in the Global Fight Against Sex Trafficking." This conference, held in Washington, D.C., brought together 400-plus working-level activists from 113 countries who tackle sex trafficking in their own cultures to develop regional action plans and share best practices. The conference report summarizing best practices was released in May 2003 and may be found at <<http://www.state.gov/g/tip/c8628.htm>>.

Another way to improve prevention of trafficking is to understand the situations in which vulnerable populations find themselves within source countries, particularly with respect to labor

markets and other social and economic factors. The annual *TRAFFICKING IN PERSONS REPORT*, which assesses the anti-trafficking activities of governments of source, transit and destination countries, can prove a valuable source of such information, as can the Department of State's continued expansion of reporting on trafficking in persons in its annual *Country Reports on Human Rights Practices*. Leveraging attention generated by these reports, the Department of State continuously engages with foreign government officials to promote cooperation and enhanced anti-trafficking efforts, regionally and in individual countries. Since the introduction of the *TRAFFICKING IN PERSONS REPORT*, the Department of State, the U.S. Agency for International Development, and the Bureau of International Labor Affairs have focused their anti-trafficking-related international assistance primarily on those eligible countries that are ranked in Tiers 2 or 3 of the *REPORT*, in order to assist them improving their anti-trafficking efforts.

The Department of Labor also publishes an annual report, mandated by the Trade and Development Act of 2000, on efforts being taken by governments to meet their international commitments to eliminate the worst forms of child labor, including the trafficking of children for exploitative labor and commercial sexual exploitation. The Trade and Development Act established efforts to eliminate the worst forms of child labor as a new eligibility criterion for countries that are recipients of trade benefits under the Generalized System of Preferences, the Caribbean Basin Trade Partnership Act, and the African Growth and Opportunity Act.

In Fiscal Year 2003, the U.S. Government supported approximately 234 anti-trafficking programs totaling circa \$91 million and benefitting over 90 countries, up from 118 programs in 55 countries in Fiscal Year 2001. In Fiscal Years 2002 and 2003, the U.S. Government invested over \$146.8 million on anti-trafficking efforts.

In Fiscal Year 2003, the U.S. Government funded 234 anti-trafficking programs totaling \$91 million, up from 118 programs in Fiscal Year 2001.

The U.S. Government's international anti-trafficking efforts range from small projects such as purchasing equipment to large-scale, multi-year, multi-million-dollar programs to develop comprehensive regional and national strategies to combat the worst forms of child labor. The U.S. Government's extensive experience of international development work suggests that the following types of assistance will have a favorable impact on trafficking in persons: development or improvement of anti-trafficking laws; provision of equipment for law enforcement; economic alternative programs for vulnerable groups; education programs; training for government officials and medical personnel; anti-corruption measures; establishment or renovation of shelters, crisis centers, or safehouses for victims; support for voluntary and humane return and reintegration assistance for victims; and support for psychological, legal, medical and counseling services for victims provided by non-governmental organizations, international organizations and governments. The U.S. Government funds programs in each of these substantive areas.

A sampling of the 234 programs, and the needs they intend to address, is presented below:

- *Sierra Leone, Liberia, and Guinea*: This project, entitled "Mano River Union—Assistance to Trafficking Victims," aims to assist women who were abducted to serve as wives for former Revolutionary United Front members and then abandoned. This

program supports 1) facilitating the safe return and social re-insertion and rehabilitation of refugees, 2) cross-border peace building through community radio messaging, and 3) psycho-social treatment and rehabilitation of victims of torture and gender-based violence.

- *Cambodia:* This project, entitled “Initiative to End Commercial Sexual Exploitation,” plans to increase the capacity of Cambodian law enforcement authorities to capture and convict traffickers through (a) investigative training for the Ministry of Interior's Anti-Human Trafficking Juvenile Protection Unit and (b) legal advocacy to facilitate effective prosecution of trafficking cases.
- *Afghanistan:* This project, entitled “Capacity Building in Counter-Trafficking in Afghanistan,” aims to increase the capacity of the Transitional Islamic State of Afghanistan to effectively address trafficking in persons in Afghanistan through technical assistance and awareness-raising activities. This project plans to raise awareness within the government, national non-governmental organizations, and women’s groups, through the establishment of working groups between government ministries, the United Nations, and community groups to address prevention, protection, and prosecution. The grantee will provide guidance and technical assistance to the Ministry of Justice and Judicial Commission on international and domestic legal instruments on trafficking in persons.

**More than 90 Countries Assisted by USG International Programs:**

Afghanistan, Albania, Angola, Argentina, Armenia, Azerbaijan, Australia, Bahrain, Bangladesh, Belarus, Belize, Benin, Bolivia, Bosnia-Herzegovina, Botswana, Brazil, Burkina Faso, Bulgaria, Burundi, Cambodia, Cameroon, Chile, Colombia, Democratic Republic of Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Dominican Republic, Ecuador, Eritrea, Estonia, Ethiopia, Finland, Georgia, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Italy, Jamaica, Kazakhstan, Kenya, Kosovo, Kyrgyzstan, Laos, Lebanon, Lesotho, Liberia, Macedonia, Malawi, Mali, Mauritius, Mexico, Moldova, Montenegro, Mozambique, Namibia, Nepal, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Romania, Russia, Rwanda, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tajikistan, Tanzania, Thailand, Turkey, Ukraine, Uruguay, Uzbekistan, Vietnam, Zambia, Zimbabwe

- *India:* In the project entitled “Trafficking prevention/training in rural areas,” a local non-governmental organization will survey child marriage patterns in rural West Bengal areas that are source areas for child trafficking and sexual exploitation; develop projects that deter child marriage; increase networking on prevention of child trafficking between non-governmental organizations and government and law enforcement at both the rural and urban level; provide police training divisions with comprehensive reference material on child trafficking and sexual exploitation; and provide grass-roots government officials with the training necessary to recognize and fight trafficking in children.

- *Albania, Moldova, Romania, and Ukraine:* This project, entitled “Combating Trafficking in Children for Labor and Sexual Exploitation in the Balkans and Ukraine,” contributes to the prevention and elimination of internal and cross-border trafficking in children for sexual and labor exploitation. Interventions will include advocacy to bring domestic legislation and procedures in line with international commitments, reintegration of child victims of trafficking into communities, and establishment of a sub-regional information exchange network to reinforce and complement existing regional structures and other sub-regional mechanisms.
- *Brazil:* This project, funded by the U. S. Department of Labor, supports the Brazilian government's efforts to liberate forced agricultural laborers, nearly all of whom are trafficked. The project has 1) facilitated the development of a national plan to eradicate forced labor; 2) initiated the implementation of a national public awareness campaign; 3) provided training and equipment to government enforcement authorities; and 4) developed and implemented an integrated database. With additional funding in FY 2004 of \$1.5 million, the Department of Labor will expand the project's scope of work to incorporate trafficking prevention measures into ongoing forced labor initiatives at the national, state and local levels.

The U.S. Government also engages internationally through cooperation with countries that support the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime, adopted by the UN General Assembly in November 2000; the United States signed the Convention and Protocol in December 2000 and the Bush Administration has submitted them to the Senate for advice and consent to ratification. Three other international instruments that address the sale of and trafficking in children have also been adopted – International Labor Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (which the United States ratified in February 1999), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (which the United States ratified in December 2002), and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (which the United States ratified in December 2002). The Department of Labor works with the ILO to bring international attention to countries' obligations under ILO Conventions 138 and 182 regarding the minimum age for work and worst forms of child labor, and Conventions 29 and 105 that address the abolition of forced labor.

The Broadcasting Board of Governors, the U.S. Government agency that supervises all U.S. non-military broadcasting, has highlighted the issue of human trafficking in its reporting. The Voice of America has broadcast a number of editorials exposing the practice of human trafficking in various parts of the world, and relating this issue to children's and women's rights, prostitution, and exploitative child labor. In addition, the Broadcasting Board of Governors's hour-long televised roundtable discussion program, “On the Line,” devoted a full program to the modern- day slavery that is fostered by such trafficking. The Broadcasting Board of Governors also sponsored a high-profile forum on international trafficking, featuring John Miller, director of the State Department Office to Monitor and Combat Trafficking in Persons. Well-known



journalists from publications such as the *New York Times* participated in the discussion, which was televised for international distribution.



## G. Training and Outreach

There is a significant difference between the estimated number of people trafficked into the United States annually and the number of victims that the U.S. Government has reached through investigations, prosecutions, Health and Human Services's certifications, and provision of immigration benefits. To ameliorate this situation and improve its contact with victims, the U.S. Government is employing several strategies. Foremost among these is the expansion of outreach and training activities. Such outreach and training activities take place in a variety of forums; some are interagency while others are focused on the traditional constituencies of particular agencies. Beginning in January 2004, the Civil Rights

Division created a newsletter (above) that informs the public about trafficking investigations and prosecutions.

### 1. Trafficking in Persons and Worker Exploitation Task Force Complaint Line

In February 2000, the Department of Justice established a toll-free Trafficking in Persons and Worker Exploitation Complaint Line. As this Report details in the Section IV on investigations and prosecutions, over one-half of investigations instituted since then have been the result of calls to the Complaint Line. A Rolodex card image of the Complaint Line is at left. The number is also advertised publicly through the use of posters, shown at right. As a result of the Department of Justice's outreach and public education campaigns, the Complaint Line has received increased publicity, and is now an important means by which victims, witnesses, good



Samaritans and others report potential trafficking matters to the U.S. Government. For instance, in a case during Fiscal Year 2003, the Complaint Line received a call relaying allegations that an Eritrean domestic worker had been held captive in the home of suspected traffickers for approximately twelve years. Within three weeks, Civil Rights Division

prosecutors, with Federal Bureau of Investigation and non-governmental organization partners, conducted an operation to secure the victim's liberation. While the criminal investigation proceeds as of this writing, the victim is receiving TVPA victim services and has been reunited with family members.



### 2. Training of Non-governmental Organizations

Non-governmental organizations have been vital to the U.S. Government's efforts to identify and help trafficking victims as well as to prosecute trafficking cases. The U.S. Government engages in extensive outreach to non-governmental organizations, which are often

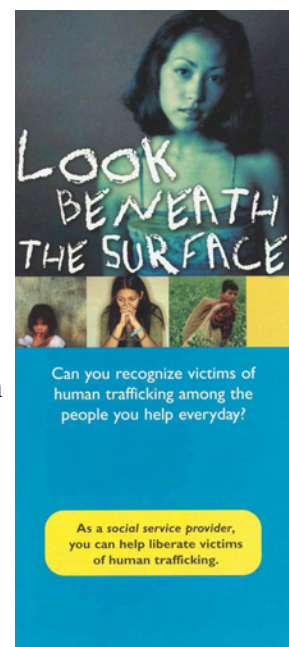


the first point of contact with trafficking victims. These contacts foster good relations with groups that receive and shelter trafficking victims and are often in a position to encourage victims to come forward and report their abuses. Additionally, in those situations in which law enforcement is actively involved in liberating victims from servitude, some non-governmental organizations can provide safe houses for the victims. In order to facilitate this relationship, the U.S. Government produced a brochure, shown at left, for non-governmental organizations, explaining to them about the rights of trafficking victims under federal law and benefits and services available to them.

U.S. Government personnel have been working closely with non-governmental organizations across the country to train service providers on the victim services and criminal provisions of the TVPA and amendments under the TVPRA. Through such training, federal prosecutors, Federal Bureau of Investigation and U.S. Immigration and Customs Enforcement agents, U.S. Citizenship and Immigration Service officials, and Health and Human Services personnel have forged good relationships with non-governmental organizations, learned about potential new cases, acquired non-governmental organizations' assistance in procuring refuge and support for trafficking victims, educated non-governmental organizations on the requirements for identifying a victim of a severe form of trafficking, and trained service providers on the roles that they can play to contribute toward the success of trafficking investigations and prosecutions. The Department of Justice has conducted training during Fiscal Year 2003 in the Washington, D.C. metropolitan area; New York City; Chicago; San Diego, California; Atlanta; Dallas; and several other cities. U.S. Immigration and Customs Enforcement agents focused on collaborative activities and clarification of the differences between alien smuggling and trafficking in persons in their outreach to non-governmental organizations during Fiscal Year 2003. For instance, U.S. Immigration and Customs Enforcement provided training and a keynote speaker at the first national trafficking in persons conference in Dallas, Texas in February 2003, sponsored by the U.S. Attorney's Office of the Northern District of Texas, U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, and the Texas Office of Refugee Resettlement; and U.S. Immigration and Customs Enforcement provided trainers in March 2003 at the U.S. Conference of Catholic Bishops national training session on trafficking (focused primarily on children).

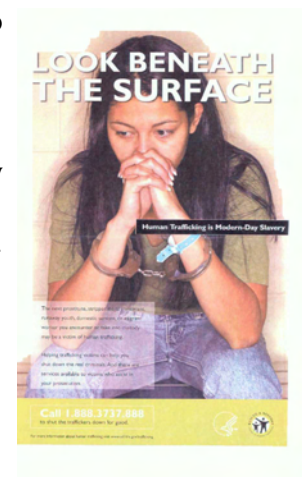
### **3. HHS Campaign: Look Beneath the Surface**

The need for outreach is continual. The Department of Health and Human Services developed an outreach program in Fiscal Year 2003 to attempt to identify and serve more victims and to educate the public about human trafficking and benefits and services for victims. That outreach campaign, called "Look Beneath the Surface," will ultimately cost \$5 million over a 24-month period, transcending three fiscal years (Fiscal Years 2003 to 2005), with a potential for extension and expansion. Public service announcements are a part of the endeavor. This outreach campaign grew out of a strategy to provide fundamental information to more victims and to those who are most likely to encounter victims, for the purpose of encouraging more victims to report their cases, so that they may receive assistance and more traffickers can be prosecuted. In order of priority, the



campaign targets are (i) victims of trafficking, (ii) people who are likely to know of victims, (iii) institutional partners, and – to the extent possible given available resources – (iv) the general public.

People in the first three categories are best approached – especially given budget constraints – by a “narrowcast” strategy of specialized and highly-targeted media. Possible examples of such targeted media are non-English newspapers, trade publications and religious media networks. Institutional partners are those local government personnel (*e.g.*, local law enforcement, family court and juvenile justice officials, public defenders, and community health officials) who are likely to routinely encounter victims and therefore need to begin screening for trafficking victims.



In Fiscal Year 2004, the Department of Health and Human Services established a toll-free Trafficking Information and Referral Hotline as a critical complement to the public awareness campaign. This contract was awarded to Covenant House in New York City. Hotlines have a well-established history of serving individuals in crisis, whether victims of domestic violence, missing or exploited children, runaway teens, or victims of rape, incest, and abuse. The Hotline will be available 24 hours per day, seven days per week and will provide information, counseling and referral to people who may not yet be prepared to approach law enforcement and who, without such support, may never contact law enforcement. The Department of Health and Human Services Hotline serves a different purpose than the Department of Justice Complaint Line; the purpose of the Hotline is to provide basic information and initial counseling to victims and to put them in touch with local non-governmental organizations that can provide assistance with the ultimate goal of persuading the victim to report the crime to federal law enforcement. Callers who are willing to report a trafficking situation will be transferred to the Department of Justice Complaint Line. The lines will be merged in the future under a Department of Health and Human Services and Department of Justice partnership.

The general message of the “Look Beneath the Surface” outreach campaign is:

- victims of trafficking are numerous but often inconspicuous;
- victims are not criminals;
- the government is able to help victims;
- here’s how to recognize a victim;
- here’s what to do if you are or you know of a victim.

In tandem with these outreach efforts, the Departments of Health and Human Services, Homeland Security and Justice are developing intake procedures for individuals who seek out benefits in the United States in order to bring more victims to the government’s attention. To improve the understanding by non-governmental organizations of interactions between victims and the U.S. Government, the U.S. Government developed a protocol to explain to non-governmental organizations the processes that have an impact on victims, and provided contact information for federal officials who may be able to help.

#### 4. Domestic Law Enforcement Training

The largest hurdles in providing training to local law enforcement are the sheer number of state and local law enforcement agencies that exist throughout the United States, and the turnover of officers, which on average is every few years. The U.S. Government has identified some vehicles through which to do training, *e.g.*, annual conferences of law enforcement organizations, but the task is daunting.

**a. Department of Justice Training**

Training of federal and local law enforcement and federal and local prosecutors is also critical in advancing the U.S. Government's efforts to combat trafficking in persons. Prior to Fiscal Year 2003, attorneys from the Department of Justice authored an article in the August 2002 issue of POLICE CHIEF magazine, entitled, "Working Together to Stop Modern-Day Slavery." This article, shown at right, outlines ways for local law enforcement during the course of their usual investigations to identify trafficking cases. POLICE CHIEF is distributed to more than 17,000 police departments across the country. U.S. Government personnel continued to distribute this article as part of their Fiscal Year 2003 outreach and training activities.

During Fiscal Year 2003, federal, state and local law enforcement received a variety of types of training in combating trafficking in persons. In November 2002 the Attorney General issued "blue sheets" for prosecutors, outlining the new TVPA crimes and adding guidance regarding the prosecution of such crimes to the U.S. ATTORNEYS' MANUAL. Through law enforcement training, including federal prosecutors working in the field, the U.S. Government is helping to ensure that trafficking victims are quickly identified and protected, that human trafficking activity masquerading as other crimes (*e.g.*, alien smuggling, organized crime) is appropriately investigated and prosecuted, and that law enforcement officials have a list of contacts, both locally in their districts, and at various federal agencies in Washington, D.C., to assist them in moving quickly to triage a trafficking case. The Department of Justice also authored a comprehensive legal monograph on trafficking issues to assist U.S. Attorney personnel in the field to prosecute trafficking cases more effectively, and has modified its website home page to highlight trafficking in persons as a Departmental priority and to provide a comprehensive source of information and resources within the Department and with related agencies, *available at* <http://www.usdoj.gov/trafficking.htm>



The Criminal Section of the Civil Rights Division in Fiscal Year 2003 organized a comprehensive anti-trafficking training for federal prosecutors and agents at the Department of Justice's training facility, the National Advocacy Center, in Columbia, South Carolina, in October 2002. Approximately 150 federal prosecutors and agents attended the training. Furthermore, also in Fiscal Year 2003, the Civil Rights Division continued to provide periodic training at the Federal Bureau of Investigation's Quantico training center and to provide training to U.S. Immigration and Customs Enforcement agents. Quantico training was on civil rights crimes, including trafficking in persons, and took the form of in-service training of experienced agents and introductory training of new agents.

Department of Justice staff have met with various federal, state, and local law enforcement agencies and victim service providers to provide technical assistance and training in identifying and assisting trafficking victims. Department of Justice personnel have trained local law enforcement officers in New York City on human trafficking laws and investigation, and have been assisting the New York Police Department in identifying and developing trafficking cases that were formerly prosecuted as other types of crimes. Other training efforts at the local level have occurred in Washington, D.C., Chicago, Illinois, and Ogden, Utah. Department of Justice personnel have also trained local, state and federal law enforcement officials at the International Asian Organized Crime Conference in Chicago and at the National Organization of Black Law Enforcement Executives (NOBLE) Conference in Tampa, Florida. Federal prosecutors and a Civil Rights Division victim coordinator attended meetings and conducted training held in Chicago, Atlanta, Milwaukee, Las Vegas, and Raleigh, North Carolina, as well as in Washington, D.C. Attendees at one such training included North Carolina state troopers, U.S. Immigration and Customs Enforcement agents and victim coordinators, the U.S. Conference of Catholic Bishops, Women in Federal Law Enforcement, attorneys and legal advocates, as well as numerous non-governmental organizations.

The Child Exploitation and Obscenity Section also plays a vital role in law enforcement training. It provides training to state, local and federal law enforcement agencies and prosecutors, domestically and abroad, that emphasizes trafficking and other sexual exploitation statutes. In particular, the Child Exploitation and Obscenity Section has cultivated strong relationships with the specialized units and individual agents dealing with offenses against children in each of the major federal investigative agencies. These include the Federal Bureau of Investigation headquarters Cybercrimes and Crimes against Children Units, U.S. Immigration and Customs Enforcement, and the United States Postal Inspection Service. The Child Exploitation and Obscenity Section is closely partnered with these agencies in conducting training, law enforcement initiatives, and major national and international investigations. The Child Exploitation and Obscenity Section also provides significant training to federal prosecutors, particularly at its Advanced Child Exploitation Seminar held at the National Advocacy Center. Additionally, the Child Exploitation and Obscenity Section has partnered with the National Center for Missing and Exploited Children to regularly provide training to state and local prosecutors in connection with the sexual exploitation of children.

The Child Exploitation and Obscenity Section also maintains a network of points of contact for child exploitation and trafficking matters within each of the U.S. Attorney's Offices, a system that allows the Child Exploitation and Obscenity Section to provide regular updates on legislative and judicial developments related to child exploitation, and to inform prosecutors of the new prosecutorial tools and potential charges provided by the TVPA. This system also helps the Department of Justice identify cases that should include sex trafficking charges. The Civil Rights Division also has a civil rights point of contact in each U.S. Attorney's Office; some offices, in addition, have specific trafficking in persons points of contact.

In its cooperative efforts with state and local law enforcement, the Child Exploitation and Obscenity Section is also increasingly emphasizing the recognition and response to potential trafficking situations. Along these lines, the Federal Bureau of Investigation and the Child Exploitation and Obscenity Section are currently undertaking a child prostitution initiative, which involves increased cooperation with state and local law enforcement and reliance on the Child

Exploitation and Obscenity Section's previously-established relationships with relevant non-governmental organizations that address child exploitation issues. In select cities, the Child Exploitation and Obscenity Section is developing task forces designed to focus on commercial sexual exploitation of children. As part of this initiative, the Child Exploitation and Obscenity Section is pursuing investigations with local Federal Bureau of Investigation agents and vice detectives that jointly employ local social service organizations to assist child victims. Additionally, the Child Exploitation and Obscenity Section is working with the Federal Bureau of Investigation to develop undercover initiatives to target those providing both the supply and the demand in the child sex tourism trade.

The Federal Bureau of Investigation has trained both its own and state and local law enforcement officers on trafficking issues. First, training on human trafficking was included in civil rights training at several sessions of the Federal Bureau of Investigation's National Academy program for high ranking and executive management personnel of state and local law enforcement agencies from throughout the United States. Second, human trafficking training was included in civil rights training for several new Special Agent classes of the Federal Bureau of Investigation, and training was also provided to experienced Special Agents investigating civil rights matters at two Federal Bureau of Investigation training sessions. Victim assistance issues were also included in this training. Finally, in June 2004, the Civil Rights Unit will host a three-day Involuntary Servitude and Slavery/Human Trafficking training seminar to fifty experienced FBI Special Agents at Quantico, Virginia. This training will include case studies, victim and NGO presentations, and victim assistance issues.

**b. Department of Homeland Security Training**

U.S. Immigration and Customs Enforcement conducted the following anti-trafficking training activities with local or federal law enforcement during Fiscal Year 2003:

- U.S. Immigration and Customs Enforcement provided trafficking training at the national conference of the National Association of State Crime Victim Assistance Administrators. Administrators from all 50 states attended.
- U.S. Immigration and Customs Enforcement provided subject matter experts (trainers) on human trafficking at the National Conference for Women in Policing in Los Angeles in April 2003. This national conference drew officials from federal, state, and local law enforcement, as well as elected and appointed officials and community leaders. The conference addressed current issues facing law enforcement agencies; trafficking in persons was highlighted in 2003. There were over 300 attendees.
- An U.S. Immigration and Customs Enforcement staff member serves as an adjunct faculty member for the National Victim Assistance Academy at the University of South Carolina. The Academy is the federal government's only college-level victim assistance training. There are courses taught simultaneously at three major U.S. universities. Trafficking in persons was added to the federal workshop curriculum for the summer session.
- U.S. Immigration and Customs Enforcement staff provided trafficking training on the topics of continued presence and T nonimmigrant status to all Federal Bureau of



Investigation victim-witness coordinators at their national in-service training in San Antonio, Texas.

- U.S. Immigration and Customs Enforcement staff cross-trained Alabama State Troopers on the identification of trafficking in persons cases at the Department of Homeland Security's National Center for Domestic Preparedness at Anniston, Alabama.
- U.S. Immigration and Customs Enforcement gave two presentations to the International Association of the Chiefs of Police to assist in the development of local and state law enforcement guidelines to address human trafficking.

In addition, U.S. Immigration and Customs Enforcement also conducted special agent, immigration agent, deportation officer and immigration enforcement agent training to implement the TVPA.

**c. Interagency Training**

Enhanced interagency training is the goal of the U.S. Government. For instance, staff members from the Wage and Hour Division and the Solicitor's Office of the Department of Labor will be attending, in June 2004, a Federal Bureau of Investigation training session next month on ways that Wage and Hour investigators can contribute to investigations of involuntary servitude. The Bureau of Diplomatic Security at the Department of State has instituted a training segment in its basic agent training course taught by a Department of Justice attorney addressing human trafficking issues as they pertain to passport and visa fraud investigations.

The grantees of the Office for Victims of Crime and the Office of Refugee Resettlement often provide training of law enforcement as part of their outreach and coalition-building activities during Fiscal Year 2003. For instance, the Office for Victims of Crime grantee Heartland Alliance for Human Needs and Human Rights trained 614 federal and local law enforcement personnel and prosecutors on issues concerning victims of trafficking in persons. In addition, the Office of Refugee Resettlement provided a grant administered by the Coalition Against Slavery and Trafficking in Los Angeles to establish the Freedom Network Institute on Human Trafficking, which developed a two-day comprehensive training entitled, "Human Trafficking and Slavery: Basic Tools for an Effective Response." This training was delivered in Fiscal Year 2003 to a variety of law enforcement, community and government participants in 21 cities.

The following victim services grantees also trained federal and local law enforcement personnel and prosecutors on the tragedy of trafficking:

Little Tokyo Service Center, Los Angeles – 365  
International Rescue Committee, Miami, Florida\* – 51  
YMCA International Services, Houston – 877  
International Rescue Committee, Phoenix, Arizona – 201  
Heartland Alliance for Human Needs and Human Rights, Chicago\* – 614  
Boat People S.O.S., Falls Church, VA – 43  
Massachusetts Mental Health Institute, Boston – 25

\*Training was funded in part from awards by the Office for Victims of Crime and in part by the Office of Refugee Resettlement.



#### **4. International Law Enforcement Training**

Recognizing that trafficking in persons is an international problem, U.S. Government personnel have conducted international outreach and have helped train foreign visitors and officials to the United States on U.S. trafficking laws, investigations, and prosecutions.

##### **a. Department of Justice Training Internationally**

Working with the Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training, in Fiscal Year 2003 federal prosecutors trained prosecutors, police, judges, and non-governmental representatives from a wide variety of countries, including officials from Albania, Bangladesh, Bosnia, Bulgaria, Costa Rica, the Czech Republic, El Salvador, Hungary, India, Kazakhstan, Kyrgyzstan, Kosovo, Latvia, Lithuania, Macedonia, Mexico, Nepal, Pakistan, the Philippines, Poland, Romania, Russia, Rwanda, Sri Lanka, Thailand, Ukraine, the United Kingdom, and Uzbekistan. In addition, U.S. Immigration and Customs Enforcement staff provided briefings on the new statutes, TVPA immigration relief, and victim assistance procedures to representatives from over 40 countries as part of the State Department's international visitor program on trafficking.

During Fiscal Year 2003, Department of Justice officials also addressed international gatherings convened in Guatemala, the Dominican Republic and Brazil to encourage a coordinated response to human trafficking worldwide. Within the Civil Rights Division, the Office of the Assistant Attorney General has made this outreach a priority for senior staff. In September 2002, the Assistant Attorney General attended a major trafficking conference hosted by the European Union in Brussels; also in the fall of 2002, the Principal Deputy Assistant Attorney General for the Civil Rights Division spoke in the Dominican Republic on trafficking issues, which led to passage of anti-trafficking legislation in that country in late 2002; and in February 2003 the deputy overseeing criminal matters for the Assistant Attorney General addressed a conference in Iceland devoted to combating the sex trafficking of women. Other senior Department of Justice personnel continue to speak on the issue.

An Assistant U.S. Attorney from the Eastern District of New York, on detail to the U.S. Embassy in Moscow under the auspices of the Overseas Prosecutorial Development, Assistance, and Training office, wrote an article for the September 2003 issue of the USA BULLETIN on *The Russian Connection: Sex Trafficking into the United States and What the United States and Russia Are Doing About It*. The USA BULLETIN reaches all U.S. Attorneys' Offices. Further, a federal prosecutor from the Civil Rights Division was detailed during Fiscal Year 2003 to Moldova to provide assistance specifically on trafficking in persons.

##### **b. U.S. Immigration and Customs Enforcement Training Internationally**

U.S. Immigration and Customs Enforcement has made trafficking in persons investigations a priority, and approaches the issue in a variety of ways. Michael A. Garcia, the Assistant Secretary for U.S. Immigration and Customs Enforcement, serves as the Vice-President (Americas) of Interpol's Executive Committee. Mr. Garcia's position provides U.S. Immigration and Customs Enforcement with an opportunity to take a leading role in international law enforcement anti-trafficking efforts. U.S. Immigration and Customs Enforcement's Office of

International Affairs (through its 52 foreign offices) routinely provides assistance and support to foreign governments and law enforcement agencies on initiatives and allegations regarding trafficking and forced child labor investigations occurring overseas. U.S. Immigration and Customs Enforcement participates on two Interpol working groups, Crimes Against Children and Trafficking in Women. In addition, U.S. Immigration and Customs Enforcement staff traveled to Lyon, France to participate in meetings of international law enforcement agencies on these issues. Furthermore, U.S. Immigration and Customs Enforcement implemented an internal policy to standardize the reporting of foreign forced child labor and related human trafficking investigative and outreach activities by U.S. Immigration and Customs Enforcement officials stationed overseas.

U.S. Immigration and Customs Enforcement agents regularly conduct seminars and training of foreign law enforcement, airline staff, other foreign and U.S. Government employees, and international non-governmental organizations. While the main focus of U.S. Immigration and Customs Enforcement training is on U.S. entry requirements, the interception of altered and counterfeit travel documents, and the identification of imposters using genuine travel documents, international training also addresses the related issues of trafficking in persons and human smuggling. During Fiscal Year 2003, thousands of people were trained world-wide by U.S. Immigration and Customs Enforcement components. U.S. Immigration and Customs Enforcement's international training during Fiscal Year 2003 included the following:

- U.S. Immigration and Customs Enforcement hosted two training conferences, in Singapore and Arlington, Virginia, which included forced child labor and human trafficking on the curriculum.
- Many U.S. Immigration and Customs Enforcement officials stationed overseas are active in combating forced child labor in conjunction with local authorities. For example, the U.S. Immigration and Customs Enforcement attache in Brazil provided technical advice to local authorities in Brazil after they rescued 180 enslaved child laborers and are locating and donating forfeited vehicles to the Brazilian government for use by the child exploitation unit that investigates child sexual exploitation and child labor abuses; in Panama, U.S. Immigration and Customs Enforcement officers trained 250 Panamanian police officers on forced child labor and related human trafficking; in Botswana, a U.S. Immigration and Customs Enforcement representative in Johannesburg made four presentations on trafficking at the International Law Enforcement Academy addressing a total of 178 participants; in Slovakia, U.S. Immigration and Customs Enforcement conducted instruction for law enforcement officers, prosecutors, and judges on human trafficking in coordination with the U.S. Embassy, Office of Overseas Prosecutorial Development, Assistance, and Training, and the American Bar Association's Central Europe Eurasia Legal Initiative; in Barcelona, Spain, the U.S. Immigration and Customs Enforcement official stationed in Madrid gave a presentation on modern migratory movements and the nexus to human trafficking and alien smuggling at a two-day conference of 300 participants entitled, *Los Movimientos Migratorios en el siglo XXI* (Migratory Movements in the 21<sup>st</sup> Century), sponsored by a Spanish public/private/academic consortium on migration; in India, the U.S. Immigration and Customs Enforcement Attaché in New Delhi gave a presentation on trafficking to approximately 100 participants from law enforcement and non-governmental

organizations; and in Poland, the U.S. Immigration and Customs Enforcement Attaché Moscow made a presentation at a university-sponsored conference in Warsaw reaching 60 participants, including government officials, lawyers, students and non-governmental organizations.

- U.S. Immigration and Customs Enforcement provided extensive technical assistance to the Australian Federal Police to help them develop and establish a human trafficking program.
- Through a cooperative effort among the U.S. Embassy in Bosnia, the International Criminal Investigative Training and Assistance Program<sup>14</sup> manager, and the efforts of an U.S. Immigration and Customs Enforcement representative, Bosnia was brought from a Tier 3 rating to a Tier 2. For this effort, the anti-trafficking strike force, a “vetted” unit (a unit staffed with law enforcement officials who have undergone background checks) for which U.S. Immigration and Customs Enforcement offers oversight, was given a meritorious award from the Department of State.
- The U.S. Immigration and Customs Enforcement Copenhagen office, U.S. Coast Guard, and the International Organization for Migration jointly conducted a training seminar in Bornholm, Denmark, reaching 44 participants from eleven European Union countries.

On September 23 and 24, 2003, U.S. Immigration and Customs Enforcement, in conjunction with the International Organization for Migration, provided two days of specialized training on trafficking in persons. The International Organization for Migration hired an internationally-renowned law enforcement trainer to develop a training curriculum for the Department of Homeland Security’s Embassy staff in several countries, including China, the Netherlands, India, Ecuador, Mexico, Russia and Thailand, as well as State Department personnel and law enforcement officials from Italy and Canada. U.S. Immigration and Customs Enforcement also invited participation of the Royal Canadian Mounted Police, the State Department, and Civil Rights Division Special Litigation Counsel. A comprehensive CD Rom that included information about trafficking in each of the participant’s geographic areas, copies of all international legal conventions on trafficking, U.S. laws and regulations, research, government reports and guidelines, and the Interpol law enforcement manual on trafficking was provided to each participant.

c. **Interagency Participation in the Southeast European Cooperative Initiative**

The Fiscal Year 2003 Omnibus Appropriations Act provided an additional \$3 million for the Federal Bureau of Investigation to support its role in the Southeast European Cooperative Initiative (SECI). The Federal Bureau of Investigation participates in SECI as the lead observer on human trafficking and has agents detailed to Albania, Bulgaria, and Romania to work on trafficking issues. U.S. Immigration and Customs Enforcement headquarters provided two agents and an intelligence analyst to the SECI Regional Center for Combating Trans-Border Crime to act as liaison and provide advice. The U.S. Immigration and Customs Enforcement’s SECI team’s

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<sup>14</sup>International Criminal Investigative Training and Assistance Program is a Department of Justice endeavor, providing training internationally in policing.

deployment coincided with Operation Mirage, a multilateral effort to identify, disrupt, and prosecute trafficking organizations with a focus on identifying discernable connections to human smuggling and trafficking into the United States. With the Department of Justice's International Criminal Investigative Training and Assistance Program and U.S. Immigration and Customs Enforcement support, SECI Mirage 2003 was considered a successful operation in Bosnia and various smuggling organizations and brothels were identified. Also, Bosnia is now aggressively addressing victim-witness considerations of human trafficking investigations.

Finally, in addition to law enforcement, the U.S. Government trains all diplomatic (ranging from junior officers to Ambassadors) and consular officers on the issue of trafficking in persons and responsibilities to address it. In regional training programs, officers learn to raise awareness of the issue with the foreign government and with non-governmental organizations, and to familiarize themselves with trafficking parameters in their country of assignment. In addition, the Department of State distributes brochures, *Be Smart Be Safe*, to visa applicants in selected countries alerting them to the dangers of trafficking in persons.

#### **IV. Recommendations for Improvement**

##### **A. Recommendations from the 2003 ASSESSMENT**

The following were recommendations for improvement contained in the 2003 ASSESSMENT OF U.S. ACTIVITIES TO COMBAT TRAFFICKING IN PERSONS, and the U.S. Government activities to further these recommendations.

*Determine whether comprehensive services are being provided in the appropriate geographical locations.*

The Department of Justice has examined the geographical distribution of its victims services grants and will target the release of its next \$8 million, during Fiscal Year 2004, at underserved regions and populations. In addition, the Office for Victims of Crime and the Office of Refugee Resettlement currently meet bi-monthly to coordinate their grant and outreach activities. Thus far, for those victims that the U.S. Government knows about and is assisting, efforts have been made to provide a continuum of care in order to facilitate a victim's healing process.

*Reassess repatriation efforts in light of the demand for them by trafficking victims.*

The U.S. Government continues to improve coordination of repatriation efforts, although anecdotal evidence indicates that few victims want to be repatriated. Currently, U.S. Immigration and Customs Enforcement has no victims in cases who are requesting to return to their home countries.

*Assess whether eligibility standards for immigration benefits are appropriate in light of the demand for them by trafficking victims.*

Through the TVPRA, Congress expanded the eligibility of victims and certain family members to receive immigration benefits. The TVPRA also allows victims to access federally-

funded or -administered refugee benefits and services by assisting state and local law enforcement, instead of only federal law enforcement, as was the case under the U.S. Government's implementation of the TVPA. Both changes should allow for greater numbers of victims and their family members to receive benefits and services in the United States.

*Continue outreach efforts to inform the public about trafficking and monitor their success.*

Outreach efforts have expanded considerably since the issuance of the 2003 ASSESSMENT. Notably, the "Look Beneath the Surface" campaign is targeting certain cities to provide information and access to services for trafficking victims. This outreach campaign, coupled with the Departments of Justice and Homeland Security's outreach activities should further the U.S. Government's efforts to inform the American public about trafficking and enlist its assistance to help victims and prosecute traffickers.

*Continue training for federal agents and prosecutors to identify victims of trafficking and to investigate and prosecute trafficking in persons cases.*

In January 2004, the Department of Justice conducted a large training of 150-plus federal law enforcement and prosecutors regarding trafficking. In addition U.S. Immigration and Customs Enforcement has engaged in extensive training of its immigration and customs investigators and agents, as discussed above.

*Continue current outreach efforts to state and local law enforcement and find new ways of raising awareness about trafficking in persons.*

Again, the "Look Beneath the Surface" campaign is targeting certain cities to provide information and access to services for trafficking victims. In addition, the Department of Justice received an appropriation for \$1 million to host an anti-trafficking conference in the summer of 2004. Many of those invited to the conference will be from law enforcement, federal, state and local. In addition, the grantees of the Office for Victims of Crime and the Office of Refugee Resettlement have trained local law enforcement and prosecutors.

*Support public-private partnerships in the international arena to integrate at-risk populations into the community and workforce.*

On September 23, 2003, President George W. Bush announced at the United Nations a \$50 million initiative to combat trafficking in persons and sex tourism. That effort will support public-private partnerships, particularly with non-governmental organizations, to engage in law enforcement and prevention activities in source countries, as well as some victim assistance. The SPOG is spearheading efforts to implement this initiative efficiently and effectively.

*Collect better information internationally on trafficking trends, numbers of victims, prosecutions and convictions.*

The TVPRA requires better information on prosecutions and convictions from countries included in the State Department's annual TRAFFICKING IN PERSONS REPORT. This information should contribute to a greater understanding about trafficking cases and how they progress

through the criminal justice system. In addition, as section III.A. of this 2004 ASSESSMENT discusses, the U.S. Government has refined its estimates of trafficking globally and into the United States. The International Labour Office is also producing new global estimates on trafficking into forced labor.

*Increase U.S. Government efforts to warn the public about the purchase of products made with trafficked persons' labor.*

There is a list of countries and products that the Departments of Labor, State and Treasury have a reasonable basis to believe are made with "forced or indentured" child labor. The link is: <<http://www2.dol.gov/dol/ilab/public/programs/iclp/Executive%20Order%20Link.htm>>. Also, the Bureau of International Labor Affairs **funded** a project with the National Academies of Sciences to provide data on global working conditions. The Academies produced a report containing a wealth of information regarding countries' adherence to internationally recognized core labor standards, of which forced labor (and trafficking as a subset) is one such standard. However, it should be noted that this report does not provide any information on whether the products made by forced laborers are exported to the United States.

The International Labor Affairs Bureau has a "monitoring international labor standards" project with the National Academies of Sciences. The National Academies of Sciences Committee produced a report and database on techniques and sources of information for monitoring international labor standards – of which forced labor (and trafficking as a subset) is one. Perhaps the most unique contribution of the Committee are the four sets of indicators developed for international labor standards in the form of legal framework (both international and national), government performance, overall outcomes, and associated factors. The Committee has tried to provide a roadmap for how to assess compliance with a particular standard.

*Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.*

President Bush has sent the Transnational Organized Crime Convention and the Trafficking Protocol to the Senate for advice and consent to ratification.

## **B. Recommendations in the 2004 ASSESSMENT**

Based on this 2004 ASSESSMENT, we recommend the following areas of improvement in U.S. Government anti-trafficking activities:

- Develop a standard trafficking in persons training program that can be implemented at the academy level for all state and local police, and expand training to prosecutors and judges to include the mental health consequences to victims of the trafficking experience.
- Continue to increase state and local involvement in identifying victims of trafficking.
- Continue to enhance local government and community knowledge on the crime of human trafficking and resources available to help victims, such as housing, victim-assistance programs, T visas, etc.



- Increase emphasis on demand reduction strategies within the U.S. Government.
- Develop tools for assessing health needs and health consequences to victims of trafficking, and continue to increase awareness among the health community on trafficking in persons and U.S. Government services to assist victims.
- Continue to improve interagency coordination and planning of programs overseas.
- Continue to expand the U.S. Government program to engage embassies in the United States to inform them of services available here in the United States for victims.
- Examine why so few trafficking victims in the United States seek housing subsidies.
- Encourage state legislatures to pass state anti-trafficking laws.
- Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Increase emphasis in overseas programs on building local capacity for anti-trafficking activities.
- Encourage state legislatures to pass state anti-trafficking laws; encourage that in the drafting and implementation of these laws, state legislatures focus on traffickers and customer-exploiters.
- Ensure that minor TIP victims, including victims of internal trafficking, receive the same victim protections and services as adult TIP victims.

## **V. Conclusion**

In a world in which crime, poverty, corruption, inequality, low status of women and girls, and civil conflict show few signs of abating, individuals will continue to be at risk of being trafficked. As this 2004 ASSESSMENT chronicles, the U.S. Government is developing a comprehensive approach to combating trafficking in persons both domestically and abroad and to assisting its victims to recover from their trafficking ordeal. Under the authority of the TVPA and TVPRA, we have put in place programs, training mechanisms and processes to implement this comprehensive approach. We continue to refine and expand the U.S. Government's activities to combat trafficking in persons, a feat accomplished through the implementation of those important laws and our periodic assessment of how we are doing. As Attorney General John Ashcroft stated in 2003: "Those who traffic in human lives treat people as easily expendable and highly profitable. But behind each dollar sign is a human tragedy."