



The President's Interagency Council on Women

WHAT THE UNITED STATES IS DOING TO FIGHT TRAFFICKING IN WOMEN AND CHILDREN

- Trafficking of women and children is a growing global transnational crime and human rights problem. Because of the disturbing involvement of organized crime, President Clinton's International Crime Control Strategy highlights trafficking of women and children as an emerging organized crime issue deserving heightened attention by the United States. Trafficking is condemned by the United States and the international community as a violation of fundamental human rights.
- The problem of trafficking in women and children involves:
 - all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons;
 - within national or across international borders;
 - through force, coercion, fraud or deception;
to place persons in situations of slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage.
- In short, the central feature that characterizes trafficking in women and children -- and differentiates it from smuggling of persons -- involves its movement of persons for the purpose of placing them in modern-day slavery or servitude.
- Trafficking is a global problem and must be addressed in countries of origin, transit, and destination to be effective. The United States is developing both domestic and international capacity to address trafficking.
- President Clinton, in his March 11, 1998 Executive Memorandum on *Steps to Combat Violence Against Women and Trafficking in Women and Girls*, directed the USG to increase its efforts - within the United States and in partnership with other countries - to match the increased sophistication and scope of worldwide trafficking as a criminal and human rights violation and to improve protections for its victims.

- In accordance with this directive, the United States has embarked on a three-part anti-trafficking strategy, consisting of:

1. Prevention;
2. Protection and assistance for trafficking victims; and
3. Prosecution and enforcement against traffickers.

The elements of this strategy are interconnected. The USG will pursue each of these three areas aggressively, but in balance.

- The President's Interagency Council on Women, chaired by the Secretary of State, leads the development and coordination of the USG's domestic and international policy on this issue.
- The Council chairs an interagency working group that includes the Departments of Justice, State, Labor, Health and Human Services, as well as agencies such as USIA and USAID. In addition, the Attorney General created a Department of Justice Working Group to address this issue and, with the Department of Labor, created a joint Working Group on Worker Exploitation that will improve the Administration's response to trafficking cases and support the Council's work.
- This interagency approach reflects the multi-faceted nature of this problem and the need to reach out for expertise across the Administration.
- Domestically, the Administration seeks to institutionalize the treatment of this complex issue across its departments and agencies.
- Internationally, the Administration currently is working with the European Union, the Group of Eight, the United Nations, ASEAN, and the Governments of Israel, Italy, and Ukraine. The USG is pursuing international expansion of cooperative working arrangements to combat trafficking.
- The USG worked closely with Congressional sponsors and NGOs in support of a proposed concurrent resolution on trafficking that was introduced in the last Congressional session.

The United States is in the early stages of implementing its three-part strategy. What follows is a brief summary:

Prevention

- The United States and the European Union initiated and evaluated an information campaign, kicked-off in November 1997 by First Lady Hillary Rodham Clinton, to combat trafficking in women and to warn potential victims of methods used by traffickers and its dangers. The United States sponsored a public awareness campaign in the Ukraine (implemented by IOM) while the European Union sponsored a parallel project in Poland (implemented by La Strada).
- The U.S. is embarking on an ambitious effort to expand anti-trafficking prevention partnerships worldwide. We are identifying other countries in the NIS and in other regions of the world for expansion of public awareness projects. At the ASEAN conference, the Secretary of State indicated USG's desire to work with ASEAN countries on prevention projects.
- In conjunction with public awareness efforts, the USG will place increasing emphasis on economic opportunity and social development programs for women in source countries to provide economic alternatives to the lure of leaving their home countries or communities to look for employment. For example, AID is sponsoring a consortium of NGOs in the Ukraine to provide job skills training, small business development skills and mentoring for women.
- The Departments of State and Justice are considering methods to provide information to help prevent women from being exploited by traffickers for purposes of domestic servitude.

Protection and Assistance For Victims

- In the area of protection for victims, our objective is to develop protections against retribution by traffickers and increase the assistance available such as legal and medical support.
- We also want to work with source and destination countries on safe and supported reintegration for returning victims.
- The Department of Justice is preparing a report assessing protection and assistance needs, including making temporary/permanent residence status available to victims.
- The Department of Justice has hosted symposiums to learn more about the needs of trafficking victims.

- The USG is working with religious institutions and NGOs to consider how to adapt the existing support infrastructure available for broader populations -- for example, shelters for abused women, and health and legal clinics in immigrant communities -- to the particular needs of trafficked women.
- The Council has been discussing the potential role of the medical community with health policy officials at HHS and AID. This would include the particular needs of women who have been trafficked and the potential role of health professionals in developing the capacity to protect trafficking victims.
- An interagency group is preparing recommendations for an information campaign of sources of protection for trafficking and worker exploitation victims in the United States.
- The USG has begun development of training material for law enforcement and others who may come into contact with trafficked women and children so that they can intervene appropriately to protect victims from further harm.

Prosecution and Enforcement Against Traffickers

- The USG's objective is to improve our ability to bring cases against and sanction traffickers while providing protection and assistance for victims.
- The joint working group on worker exploitation, chaired by the Department of Justice's Civil Rights Division and the Department of Labor's Solicitors office, is developing procedures to standardize and institutionalize procedures for investigations and prosecutions of cases involving exploitation, including trafficking cases.
- Trafficking-specific training is being improved for domestic and international law enforcement -- including border enforcement, consular anti-fraud and visa officials, and local police -- to recognize trafficking cases and to respond appropriately to help protect victims.
- The USG is sponsoring a protocol on trafficking of women and children to be associated with the UN Transnational Crime Convention. The protocol would require States to enact laws to sanction trafficking of women and children, provide victims with recourse to seek compensation and restitution from traffickers, and to enact or consider provision of appropriate protections for victims.
- We are reviewing how to address the significant role played by official corruption in facilitating trafficking around the world.

- The Department of Justice and the Council are reviewing possible legislation that would include comprehensively strengthening enforcement tools, as well as protection for victims.

Understanding the Issue

- **Data/Intelligence Collection and Sharing**

The USG is seeking to develop a more solid understanding of data specifically tailored to trafficking of women and children. This will assist understanding of the problem and support development of sound policies and programs.

- One mechanism for this is a Subgroup on Alien Smuggling and Trafficking of Women and Children that has begun work under the auspices of the NSC and as part of the President's International Crime Control Strategy Initiative.

- **Regional Conferences**

The Council will convene regional meetings of governmental and non-governmental representatives from source, transit, and destination countries and representatives from international organizations to call attention to the issue of trafficking in women and children and to develop regionally-tailored strategies for combating this egregious problem.

- **Tapping NGO Expertise**

The USG recognizes the expertise of NGOs on this issue. There have been many meetings between U.S. and international NGOs and U.S. officials from across the Executive Branch. The U.S. is committed to continuing and expanding this dialogue.

- **Research**

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



The President's Interagency Council on Women

TRAFFICKING OF WOMEN AND CHILDREN

THE NATURE OF THE PROBLEM

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

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

- all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons;
- within national or across international borders;
- through force, coercion, fraud or deception;
to place persons in situations of slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage.

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

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

- **How does the United States law address trafficking of women and children?**

There is no comprehensive law in the United States that sanctions the range of activities recognized as trafficking or that protects its victims. Law enforcement now relies upon a number of criminal, labor and immigration laws that compose some of the component crimes involved in a trafficking scheme. Laws and infrastructure to provide adequate protection and assistance for victims do not yet exist.

- **What are some examples of trafficking to the United States?**

- Hearing-impaired and mute Mexicans were recruited in their hometowns, brought to the United States, enslaved, beaten and forced to peddle trinkets in New York and other cities;
- Thai garment workers were held captive in El Monte, California;
- Teenage Mexican girls were held in slavery in Florida and the Carolinas and forced to submit to prostitution;

Examples of U.S. cases (continued):

- Russian and Latvian nationals were forced to dance nude in Chicago. According to the charges against the traffickers, the traffickers picked the women up upon their arrival at the airport, seized their documents and return tickets, locked the women in hotels or other locations, beat the women and were told if they refused to dance nude in various nightclubs, the Russian mafia would kill their families;
- Over three years, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.
- Agricultural workers from Mexico were recruited, smuggled and forced to work to repay smuggling “debts” in South Carolina;

- **Why does the USG highlight trafficking involving women and children?**

USG anti-trafficking initiatives emphasize women and children because they are the predominate targets of traffickers for trade and profit. The above cases indicate that the United States will prosecute cases involving the trafficking of men.

- **Why trafficking is likely to continue to grow:**

- weak economies and few job opportunities in countries of origin,
- little risk of prosecution of traffickers,
- enormous profit potential for traffickers,
- improved international transportation infrastructures and opening of some border crossings,
- improved computer and photocopy equipment that aids creation of fraudulent documents,
- corrupt officials who facilitate trafficking,
- improved communications technology,
- domestic violence,
- workplace harassment,
- cultural practices,
- and lack of awareness about trafficking and its dangers.

- **Trafficking is a multi-faceted, cross-cutting problem.**

To be effective, efforts to combat trafficking need to engage the expertise and resources of experts from across the Executive Branch and in cooperation with the private sector.

1. Because it involves slavery-like treatment of women and children, trafficking is first and foremost a human rights issue. But it is also an issue of:

- crime,
- economics,
- migration,
- labor,
- health (both public and individual), and
- victims' assistance for victims of violent crimes.

2. Trafficking is an international and domestic problem. It requires the creation of new approaches and the coordination of international and domestic mechanisms to address adequately.



The President's Interagency Council on Women

First Lady Hillary Rodham Clinton
Honorary Chair

Secretary of State Madeleine K. Albright
Chair

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

DATE: _____

TO: Trene Bruno

ORGANIZATION: _____

PHONE: _____ FAX: _____

FROM: Stephen Warrath

PHONE: (202) 647 - FAX: (202) 647 - 5337

MESSAGE:

FYI - The letter with some
State Department views on legislation. (It was
distributed for clearance by Annette.)

Thanks,

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NUMBER OF PAGES (INCLUDING COVER SHEET): ()



United States Department of State

Washington, D.C. 20520

AUG 10 1999

Dear Mr. Greenwood:

Thank you for the opportunity to respond in greater detail to the questions you raised at the CSCE hearing regarding the trafficking of women and children.

Secretary of State Albright has made the issue of trafficking of persons, particularly women and children, a priority. She has raised the issue repeatedly in her travels around the world, most recently at ASEAN, where she announced that the United States and the Philippines will co-host a workshop to consider how the countries in that region of the world can work together to develop a long-range strategy to better combat this nefarious trade.

The Department seeks action by Congress that will support and strengthen the ambitious agenda that the Administration is pursuing to combat traffickers and protect their victims. We want to work with Congress to craft legislation that is consistent with each of the elements of the Department's three-part policy and strategic framework of 1) prevention; 2) protection and assistance for trafficking victims; and 3) prosecution and enforcement against traffickers.

The Honorable

James Greenwood, Commissioner,

Commission on Security and

Cooperation in Europe,

House of Representatives.

-2-

We have attached our views on the shape this legislation should take and hope that these initial views are of assistance. The Administration is currently reviewing legislative proposals and finalizing its recommendations. Consequently, these views are necessarily preliminary. We will provide a more detailed presentation of Administration views as the legislative process proceeds.

We hope this information is useful to you. We look forward to working with you and other CSCE Members on this issue.

Sincerely,



Barbara Larkin
Assistant Secretary
Legislative Affairs

Attachment:

As stated

Legislation Should Address Trafficking In All of Its Forms

The Department of State recognizes that the problem of trafficking of persons, which particularly affects women and children, includes:

- all acts involved in the recruitment, abduction, transport, harboring, transfer, sale or receipt of persons;
- within national or across international borders;
- through force, coercion, fraud or deception;
- to place persons in situations of slavery-like conditions, forced labor or services, such as forced prostitution or sexual services, domestic servitude, bonded sweatshop labor or other debt bondage.

International trafficking cases to the United States have included:

- Hearing-impaired and mute Mexicans being recruited in their hometowns, brought to the United States, enslaved, beaten and forced to peddle trinkets in New York and other cities;
- Thai garment workers being held captive in El Monte, California;
- Teenage Mexican girls being held in slavery in Florida and the Carolinas and forced to submit to prostitution;
- Russian and Latvian nationals being forced to dance nude in Chicago. According to the charges against the traffickers currently being prosecuted, the traffickers met the women at the airport, seized their documents and return tickets, locked them in hotels or other locations, beat them and told them that if they refused to dance nude in various nightclubs, the Russian mafia would kill their families;
- Agricultural workers from Mexico being recruited, smuggled and forced to work to repay smuggling "debts" in South Carolina.

The Department's *Country Reports on Human Rights Practices* and NGO reports confirm that trafficking presents itself in a broad array of forms in countries around the world, involving men, women and children. These forms

include sale or abduction of the victim into domestic servitude, carpet weaving and dangerous construction work.

It is clear that trafficking extends to a broad range of slavery-like circumstances and that trafficking into the sex industry is only one part of a broader trafficking phenomenon.

As a result, the Department urges Congress to consider legislation that will address trafficking of persons, particularly women and children, in all of its heinous forms.

Strengthen USG Three-Part Policy Framework

Under the leadership of the Secretary of State, the Department has advanced a three-part policy and strategic framework to combat trafficking:

- 1) prevention;
- 2) protection and assistance for victims; and
- 3) prosecution and enforcement against traffickers.

Prevention of trafficking involves both public awareness campaigns and the development of economic opportunities and alternatives for potential trafficking victims in countries of origin.

Measures to provide protection and assistance for victims should recognize that trafficking victims have been subjected to a brutal and traumatizing experience. Adequate protection and assistance will require international cooperation between countries of destination and origin.

One important protection measure that Congress should provide would be enactment of the opportunity for trafficking victims in appropriate cases to receive a temporary residency visa in the United States rather than be subjected to immediate removal. This would allow them to receive needed physical and psychological care, and to be available to assist law enforcement in prosecuting cases against traffickers.

Strengthened enforcement and prosecution against traffickers is crucial because trafficking is growing, in part, because it remains a high profit, relatively low-risk criminal enterprise. Imposing tougher penalties for traffickers and amending the law so that traffickers will not escape prosecution and conviction because of the high standard of proof in involuntary servitude cases are among

the objectives sought by the Administration through legislation.

Each of these elements reinforces the others and the Department is committed to continuing to pursue all three with equal vigor. The Department wants to work with Congress to enact legislation to advance this framework by comprehensively addressing all three elements and providing sufficient funding to permit meaningful progress in each.

It may be helpful to you to know our views on several proposed responses to this problem:

Avoid Economic Sanctions

Most countries are in the early stages of attempting to address trafficking and economic development and opportunity is one of the central strategies of trafficking prevention. Economic sanctions are inconsistent with this and concerns exist about the impact on potential victims.

The Department believes that progress in this area can best be accomplished in cooperation with countries of origin, transit and destination. Benchmarking and international mutual assessment are among the other means available to objectively determine whether a country is making progress in reaching our shared objective of reducing trafficking.

Use Existing Country Reports on Human Rights Practices to Expand Reporting on Trafficking

The Department's *Country Reports on Human Rights Practices* addresses trafficking of women and children. Rather than mandating a new report, with all of the inevitable related administrative costs, Congress should provide resources to support expansion of the treatment of trafficking in this report to increase understanding of the nature of international trafficking and countries' efforts to combat it while protecting its victims.

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

234 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

(202) 225-1901

July 23, 1999

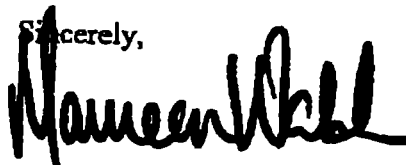
Ms. Anita Botti
c/o David Killean
Office of Legislative Affairs
Department of State
Washington, DC 20520

Dear Ms. Botti:

At the June 28, 1999, Commission hearing entitled, "The Sex Trade: Trafficking of Women and Children in Europe and the United States," Commissioner Rep. James Greenwood requested that you provide, on behalf of the Department of State, recommendations for specific congressional action that should be taken to eradicate the trafficking of women and children for exploitation in the commercial sex industry. Please consider this letter a formal request for such recommendations.

Please deliver to the Commission a written response to Commissioner Greenwood's request. If you have any questions, do not hesitate to contact me at (202) 225-1901.

Sincerely,



Maureen T. Walsh
Counsel

More than 100,000 people—many of them smuggled into this country—are work in appalling conditions for little or no pay, often under threat of physical violence. You can do something about it:

A Call To Fight Forced Labor



PHOTOCOPY PRESERVATION

Molly Gordy

LAST YEAR, ROGERIO Cadeña, a Mexican national, pleaded guilty in a West Palm Beach, Fla., federal court to "conspiring to enslave" 14 women he had forced to work as prostitutes. Cadeña had lured the women—some as young as 14—from impoverished areas of Mexico with promises of good jobs caring for children or the elderly.

But once the women had crossed the border, they were forced at gunpoint to work in a network of nine brothels in Florida and the Carolinas. Cadeña said he and his family had made about \$1 million from the ring.

"This is one of the most vile, reprehensible and odious crimes I have seen in my 13 years on the bench," said Judge Kenneth Ryskamp of the U.S. Southern District of Florida. Yet the case is

not isolated. Each year, according to combined figures from the Justice, Labor and State departments, more than 100,000 people are forced into servitude in the U.S.—in factories, small businesses and service industries, private homes and on farms. Their ranks include both immigrants and U.S. citizens. And their numbers are rising.

"When I joined the Justice Department in 1989, we'd see maybe two of these cases a year," Thomas Perez, a former U.S. deputy assistant attorney general, told PARADE. "By the time I left last February, we were seeing more than 100 victims a year."

The Justice, Labor and State depart-

Many cases of involuntary servitude are discovered only by chance. Now you can help.



NEW JERSEY: DOMESTIC WORKER KILLED. Marcelina Baluch (l) was convicted of reckless manslaughter in 1998 for slaying her Filipina maid, Imelda Ritua (r). In letters home, Ritua had complained of being forced to work long hours and to sleep in an unheated basement. Trial evidence revealed physical abuse.

ments responded by creating the National Worker Exploitation Task Force in April 1998. This week, to accelerate the effort,

they are opening a hotline to take calls from anyone to report cases of servitude or worker exploitation (see box). "We want to more aggressively pursue the cases that we can prosecute," said Acting Assistant Attorney General Bill Lann Lee. "A lot of cases don't get discovered now except by chance."

"Once word gets around how easy it is to turn someone in for this, it's bound to have an effect," said Rep. Lamar Smith (R., Tex.), chairman of the House Subcommittee on Immigration.

The Justice Department defines involuntary servitude as "using physical force, threats of force or legal coercion (such as threats of arrest or incarceration) to keep someone working for you." For example, an employer might threaten to turn in an illegal immigrant.

Several criminal cases in recent years

have brought the abuses to public attention. Three years ago, 18 persons pleaded guilty to holding more than 50 deaf Mexicans captive and forcing them to sell trinkets in New York. In 1998, a New Jersey woman was convicted of slaying her Filipina maid. The victim had revealed in letters home that she had been forced to sleep in an unheated basement and to work 16-hour days. Court evidence later exposed physical abuse. Last month, a prominent member of the Thai community in L.A. was sentenced to more than



CAROLINAS & GEORGIA: EXPLOITS MIGRANT WORKERS. Willie Bonds Jr. (l) and son, Willie Bonds Jr. (r), ran a ring in 1993. Carrie pleaded guilty to holding migrants in servitude.

eight years in prison for harboring migrants, using credit cards to travel. In all of these cases, the victims had been brought to the States by false promises. Why is this problem still here years after the passage of the Immigration and Naturalization Act Amendment, b

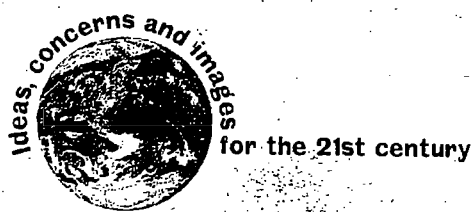
Do You Know of a Case of Forced Labor?

If you know of or suspect exploitation, report it by calling the Justice Department at **1-888-428-7581**.

By exposing forced-labor abuses, you can correct an injustice, relieve someone's suffering, and perhaps even save a life.

People—many of them smuggled into this country—are being forced to work for little or no pay, often under threat of physical violence or death. But it:

To Fight Forced Labor



IN NEW JERSEY: DOMESTIC WORKER KILLED. Imelda Baluch (l) was convicted of reckless manslaughter in 1993 for slaying her Filipina maid, Imelda Ritua (r). In letters home, she had complained of being forced to work long hours and to sleep in an unheated basement. Trial evidence revealed physical abuse.



CAROLINAS & GEORGIA: A FAMILY EXPLOITS MIGRANT WORKERS. Carrie Bonds (l) and son, Willie Bonds Jr. (r), ran a ring of farm-labor crews. In 1993, Carrie pleaded guilty to labor violations, and Willie admitted to "conspiring to hold migrant workers in peonage."

responded by creating the National Labor Exploitation Task Force in April of 1993. This week, to accelerate the effort, they are opening a hotline to take calls from anyone to report cases of servitude or worker exploitation (see box). "We want to more aggressively pursue the cases that we can prosecute," said Acting Assistant Attorney General Lann Lee. "A lot of cases don't get discovered now except by chance." The word gets around how easy it is to turn someone in for this, it's bound to have an effect," said Rep. Lamar Smith (R., Tex.), chairman of the House Committee on Immigration. The Justice Department defines involuntary servitude as "using physical threats of force or legal coercion as threats of arrest or incarceration to keep someone working for you." For example, an employer might threaten to turn in an illegal immigrant. Several criminal cases in recent years

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eight years in prison for involuntary servitude, harboring illegal immigrants and using credit cards obtained in their names. In all of these cases, the Immigration and Naturalization Service (INS) says, the victims had been lured to the United States by false promises. Why is this problem arising now, 135 years after the passage of the Thirteenth Amendment, banning slavery and in-

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1-888-428-7581.

By exposing forced-labor abuses, you can help correct an injustice, relieve someone's suffering—perhaps even *save a life.*



Marriage seems to keep you clear-headed in late life (in France at least).

WANT TO CHEW
It may not be a good idea to lose weight. It's true. This means that you will lose about 11 pounds whether it's your own or another's. Another sure sign of aging is already known: oxidant concentration also may help you increase energy—just as clear. Extracts of green tea observed to reduce the body's oxidative stress. This probably is a small amount, but rather than in the tea, burn it.

D
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PHOTOCOPY PRESERVATION

Secretary of Labor Alexis Herman told us, "There is better reporting of abuses as our perception of what is 'unacceptable' evolves. Slavery wasn't seen as bad for 200 years in this country. Even child labor was legal until 1938, when the Fair Labor Standards Act was passed."

National Worker Exploitation Task Force members noted several other contributing factors that converged in the '80s: Civil wars and collapsing economies in Third World countries created a flood of new immigrants to the States; lax U.S. border controls made it easier to sneak in; and a massive crackdown on drug traffickers

Chinese immigrants found that many had been tortured before paying off their debts.

By the 1990s, INS Commissioner Doris Meissner noted, sophisticated smugglers were demanding their fees in advance from employers, who passed on the cost to the workers by withholding pay.

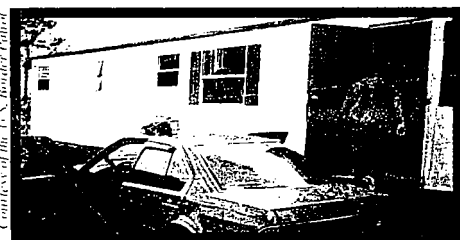
A clearer picture of the problem emerged in 1999, when 18 persons pleaded guilty to running a \$200 million immigrant-smuggling ring. An INS investigation, "Operation Seek-and-Keep," found that more than 7000 immigrants from India and Pakistan had been smuggled in. "Employers were ordering people like pizzas."

exploitation. Prosecutions involving farmworkers were virtually unheard of before the early 1980s, when Congress passed the Migrant and Seasonal Agricultural Worker Act. In a case prosecuted under the act, Willie Bonds Jr. pleaded guilty in 1993 to "conspiring to hold migrant farmworkers in peonage." His mother, Carrie, and father, Willie, pleaded guilty

The ab the work Benson. I be identi PARADE had been they wou to escape 40 miles

"Their story is an American story. My clients want to sue the corporations that they are exploiting."

—Julie Su, attorney for



FLORIDA & CAROLINAS: PROSTITUTION RING.

Top: Rogerio Cadeña pleaded guilty in January 1999 to "conspiring to enslave" 14 Mexican women as prostitutes. Bottom: A trailer where the women were held.

led some to switch to smuggling immigrants. The result was a steep increase in illegal immigrants who entered the country indebted to and exploited by criminals.

Clearly, a business gains a competitive edge by using labor supplied by smugglers. "There's no way a business paying the minimum wage and taxes required by law can compete with one using involuntary help," Secretary Herman said.

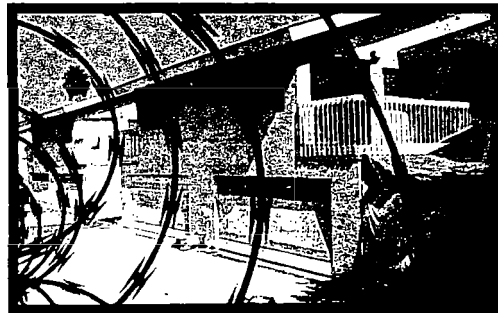
By the mid-1980s, international rings of immigrant-smugglers were charging their human cargo up to \$35,000 for passage and false papers. When the immigrants were unable to pay, they became indentured to or victimized by their traffickers.

CALIFORNIA: CAPTIVE WORKERS FIGHT BACK.

Thai immigrants, forced to work and live in an El Monte apartment complex surrounded by razor wire (r), won more than \$4 million in out-of-court settlements from companies that contracted with the sweatshop. Above are four of the 80 workers (l-r): Praphaphon Pongpit, Buppha Chaemchoi, Sutchai Chaisuni and Rotchana Chunchuchit.

said U.S. Attorney Paul Coggins in Texas, whose office tried the case. "Only, instead of, 'I'll have a large pie with pepperoni,' it was, 'Give me a husband and wife who'll live in my attic and work in my store.'"

Recently, immigrants from China have promised smugglers as much as \$50,000 in future wages to stow away in metal cargo containers on giant freighters. Last month, 18 Chinese men were found in containers on a freighter in Seattle. Three had died during the two-week journey.



to labor violations. The Bonds family had recruited homeless men to work on farms in the Carolinas and Georgia in 1991. The men were promised minimum wage and free apartments. Instead, they were held in one room with a single toilet. Their wages were docked for food and "rent," so that pay for 60 hours of work usually ranged from \$10 to nothing. A

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For one thing, xis Herman told orting of abuses at is "unaccept- wasn't seen as- s country. Even 1938, when the et was passed." ploitation Task veral other con- erged in the '80s: ng economies in reated a flood of ites; lax U.S. por- r to sneak in; and drug traffickers

A Rutgers University survey of 300 such Chinese immigrants found that many had been tortured before paying off their debts.

By the 1990s, INS Commissioner Doris Meissner noted, sophisticated smugglers were demanding their fees in advance from employers, who passed on the cost to the workers by withholding pay.

A clearer picture of the problem emerged in 1999, when 18 persons pleaded guilty to running a \$200 million immigrant-smuggling ring. An INS investigation, "Operation Seek-and-Keep," found that more than 7000 immigrants from India and Pakistan had been smuggled in. "Employers were ordering people like pizzas."

U.S. citizens also have been victims of exploitation. Prosecutions involving farmworkers were virtually unheard of before the early 1980s, when Congress passed the Migrant and Seasonal Agricultural Worker Act. In a case prosecuted under the act, Willie Bonds Jr. pleaded guilty in 1993 to "conspiring to hold migrant farmworkers in peonage." His mother, Carrie, and father, Willie, pleaded guilty

guard with a machete patrolled the fields.

The abuses came to light when two of the workers escaped from a camp in Benson, N.C. One of them, who asked to be identified only as "Roosevelt," told PARADE that whiskey and crack cocaine had been urged on him and others, so that they would be too indebted and addicted to escape. Roosevelt said he'd walked 40 miles to Raleigh, where he found help

"Their story is an American story. My clients wanted to teach the corporations that they are human beings."

—Julie Su, attorney for Thai sweatshop workers



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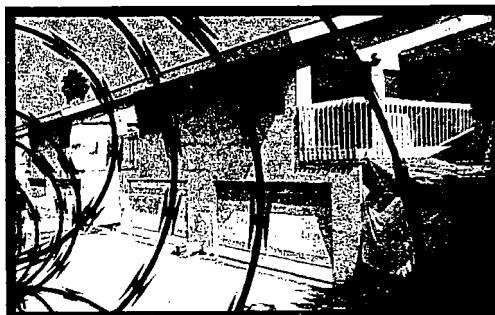


CALIFORNIA: CAPTIVE WORKERS FIGHT BACK.

Thai immigrants, forced to work and live in an El Monte apartment complex surrounded by razor wire (r), won more than \$4 million in out-of-court settlements from companies that contracted with the sweatshop. Above are four of the 80 workers (l-r): Praphaphon Pongpit, Buppha Chaemchoi, Sutchai Chaisuni and Rotchana Chunchuchit.

said U.S. Attorney Paul Coggins in Texas, whose office tried the case. "Only, instead of, 'I'll have a large pie with pepperoni,' it was, 'Give me a husband and wife who'll live in my attic and work in my store.'"

Recently, immigrants from China have promised smugglers as much as \$50,000 in future wages to stow away in metal cargo containers on giant freighters. Last month, 18 Chinese men were found in containers on a freighter in Seattle. Three had died during the two-week journey.



to labor violations. The Bonds family had recruited homeless men to work on farms in the Carolinas and Georgia in 1991. The men were promised minimum wage and free apartments. Instead, they were held in one room with a single toilet. Their wages were docked for food and "rent," so that pay for 60 hours of work usually ranged from \$10 to nothing. A

at a rural farmworkers' aid society and the North Carolina Council of Churches. "I don't know how I made it," he said. "I guess God showed me the way."

According to the Rev. James Creech, who helped bring the case to federal officials, "The only unusual thing about the Bonds case is that the criminals actually were arrested. Folks turned a blind eye back then, and it still goes on today."

There have been major reforms, however. In 1996, with overwhelming bipartisan support, Congress passed the Illegal Immigration Reform Act. Sponsored by Rep. Lamar Smith and then Sen. Alan Simpson (R., Wyo.), it made the trafficking in humans a felony punishable by up to 15 years. "When we cracked down on drugs with harsher sentences," Smith said, "we inadvertently created an imbalance in the penal code that made immigrant smuggling more appealing. This law redresses that."

Victims also have begun to fight back. Last month, a maid from Bangladesh accused a high-ranking diplomat and his wife of holding her a virtual prisoner in their Manhattan apartment. She is now suing her former employers in federal court. Over the last five years, 80 Thai garment workers, who had been held captive by sweatshop operators in El Monte, Calif., and forced to work 16-hour days under armed guard,

won more than \$4 million in out-of-court settlements from manufacturers and retail chains that had contracted the work.

"Their story is an American story," said Julie Su, a lawyer who helped negotiate the settlements. "My clients wanted to teach these corporations that they are human beings too and to make it harder for this to happen again." ■

DEFINITION OF 'TRAFFICKING IN PERSONS'

(Option 1)

Article 2bis

January 21, 2000

Definitions

For the purposes of this Protocol:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by the threat or use of force, or by abduction, fraud, deception, coercion or abuse of power, or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of [at a minimum¹] slavery, forced labour or servitude, including through sexual exploitation².

(b) "Slavery" shall mean the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised³.

(c) "Forced labour"⁴ shall mean labour or services obtained through force or threat of force, or the use of coercion, or through any scheme or artifice to defraud, including one where the status or condition results from a debt or contract made by that person and the value of the labour or services as reasonably assessed is not applied towards the liquidation of the debt or the fulfilment of the contract (i.e. debt bondage), or by any means or plan or pattern, including but not limited to false and fraudulent pretenses and misrepresentations, such that the person reasonably believes that he or she has no alternative but to perform the labour or service.

(d) "Servitude" shall mean the status or condition of dependancy of a person who is [unjustifiably] compelled by another person to render any service, and who reasonably believes that he or she has no alternative but to perform the service.

(e) "Trafficking in persons" shall include recruitment, transportation, transfer, harbouring, or receipt of any child⁵, or the giving of payments or benefits to achieve the consent of a person having control of

¹ All States Parties would be required to criminalize trafficking for the enumerated purposes. Two delegations wanted to ensure the possibility of enlarging the number of purposes, such as illegal adoption and trafficking in body organs.

² The working group concluded that there was no need to define "sexual exploitation" when used in this context.

³ This language is from the 1926 League of Nations Slavery Convention.

⁴ One delegation proposed using the definition of "forced labour", contained in the rolling text in Rev 5., with the insertion of the element of debt bondage.

⁵ Several delegations supported having a clear reference to trafficking in children for prostitution, pornography and pornographic performances. This language tracks the language of the ILO Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

An alternative way of criminalizing the trafficking in children could be to state that children could not consent to certain activities. One delegation, however, expressed concern that using a consent exception for some purposes could imply that consent could be given with respect to other purposes. Several delegations also expressed concern that a consent exception for children would suggest that

a child, for the purpose of slavery, forced labour or servitude or for the purpose of using, procuring or offering a child for prostitution, for the production of pornography or for pornographic performances.

(f) "Child" shall mean any person under 18 years of age.

adults could consent to slavery, forced labour or servitude. By definition no person can consent to slavery, forced labour or servitude. The current text in par. (e) avoids this confusion by not using the word consent.

January, 21st 2000

DEFINITION OF "TRAFFICKING IN PERSONS"
(Option 2)

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by the threat or use of force or abduction, or by fraud, deception, [inducement]¹, coercion [or abuse of authority]² [,or by the giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another person]³, for the purpose of exploitation. Exploitation shall include, at a minimum,⁴ sexual exploitation, forced labour or services, and debt bondage.⁵

¹" Inducement" was put in brackets because of a disagreement on the exact meaning of inducement. In addition there was also a dispute on inducement containing an element of force or coercion.

²" Abuse of authority "was bracketed because the exact meaning of the word "authority" was disputed. In this context authority should include the power that male family members can have over female in some legal systems and that parents can have over children.

³ "giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another person" was bracketed because some delegations were of the opinion that this would be covered by the other qualifiers, i.e. force, fraud, deception, coercion and inducement.

⁴ The expression of "at a minimum" will allow States Parties to go beyond the offences listed in this definition in criminalizing. It will also leave space for other forms of exploitation that might be of importance in future times the drafters cannot be aware of at present.

⁵ One delegation expressed its wish of changing the order of words, so that Option 2 would read as follows: "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, for the purpose of exploitation ,by the threat or use of force or abduction, or by fraud, deception, [inducement], coercion [or abuse of authority] [,or by the giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another person]. Exploitation shall include, at a minimum, sexual exploitation, forced labour or services, and debt bondage.

TALKING IT OVER

BY HILLARY RODHAM CLINTON

RELEASE: WEDNESDAY, JANUARY 19, 2000, AND THEREAFTER

Every day, in countries around the world, women and girls, desperate for economic opportunity, and seeking to follow their dreams of a better life, are lured from home by the promises of jobs and security. Sadly, though, they too often find themselves trapped in a nightmare, imprisoned by employers, mistreated, abused and often never seen nor heard from again.

Since the United Nations Fourth World Conference on Women in 1995, I have been working to raise awareness of the heinous practice of buying and selling women and children like commodities.

This week, representatives of over 100 countries, including the United States, are meeting in Vienna to continue negotiating a United Nations treaty that would protect these victims of trafficking and punish the perpetrators.

There are some who charge that international efforts to deal with trafficking will somehow undermine laws designed to eliminate prostitution. This is certainly not true. The U.S. government has made it absolutely clear that our country will continue to support and enforce its laws and policies aimed at ending prostitution in all its forms.

As the delegates debate the language of this vitally important treaty, it is critical that we keep our eye on the real issue – trafficking. Every year, approximately 1 million women and girls are trafficked and sold into a modern form of slavery. The State Department believes that 50,000 of them, primarily from the former Soviet Union, Southeast Asia and Latin America, end up right here in our own country. Here are just a few examples of trafficking cases that have been prosecuted in American courts:

Teenage Mexican girls, promised jobs in restaurants, child care and landscaping, enslaved and forced into prostitution in Florida and the Carolinas; Thai women held captive and forced to work in sweatshops in California; and hearing-impaired men and women from Mexico – enslaved, beaten and forced to peddle trinkets on the streets of New York and other cities.

No country is doing more than the United States to bring the worldwide trafficking of women and girls out of the shadows and into the glare of public attention.

In the summer of 1997, I met with women leaders from Eastern and Central Europe as well as victims' family members who, with tears in their eyes, pleaded with me for help in dealing with this growing problem. Later that year, in Lviv, Ukraine, I launched a new information campaign designed to warn young women about the dangers posed by traffickers.

In March of 1998, I joined the President, Secretary of State Albright, Attorney General Reno, U.N. Secretary General Kofi Annan and a high-ranking member of the Thai government for a White House announcement of a presidential directive to prevent and deter trafficking and protect its victims.

Last Fall, in Istanbul, Turkey, at the meeting of the Organization for Security and Cooperation in Europe, I announced a \$1 million U.S. commitment to combat trafficking, and called for greater economic opportunities to prevent young women from being driven into the hands of traffickers.

Our State Department is working in partnership with several foreign governments. The Attorney General and the Secretary of Labor have established a Worker Exploitation Task Force, which is actively investigating and prosecuting trafficking cases in the United States.

And the administration is working with Congress to craft bipartisan legislation to end trafficking by providing effective punishments for perpetrators and protections for victims. Passing this legislation is critical if we are to continue to make progress in fighting trafficking.

The draft U.N. treaty being debated in Vienna this week offers a unique opportunity to bring the power of international consensus, backed by punishment of the criminals and much-needed assistance for the victims, to the issue of trafficking.

In no way will it, as critics claim, weaken existing international law or the laws of any individual nation. In fact, it will punish those who profit from buying and selling human beings, and encourage countries to offer truly unprecedented protections to the victims – including the possibility of lawful resident status, health care, shelter, restitution, and other tools to rebuild their lives.

Every day, more women and girls are being sold into the sex industry, domestic servitude, sweatshop labor, debt bondage and other forms of modern-day slavery. These crimes are violations of human dignity, and the United States will not rest until they are stopped.

We must not allow those who would distort the truth about this treaty derail the process. If they do, the only winners will be the international criminals who prey on desperate women and girls. The losers will be the victims of trafficking who, unless we take steps to protect them now, will continue to suffer unspeakable harm. They need our help. We must not let them down.

To find out more about Hillary Rodham Clinton and read her past columns, visit the Creators Syndicate web page at www.creators.com.

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Letters to the Editor

Fighting the Modern 'Slave' Traders

In their Jan. 10 editorial-page commentary "The Clintons Shrug at Sex Trafficking," William Bennett and Charles Colson rely upon misstatements of fact to challenge the U.S. role in the negotiations of a new international protocol on trafficking in humans at the U.N. Crime Commission in Vienna. The attempt by Messrs. Bennett and Colson to interject a debate on prostitution into the negotiations over the protocol could sound the protocol's death knell and block this unique opportunity to provide improved human-rights protections for trafficked people.

The purpose of the draft protocol is to provide an international mechanism for state cooperation in investigating and prosecuting internationally organized traffickers and in protecting the rights of trafficked persons who are deceived, coerced or forced into migrating for work only to find themselves held in conditions of slavery, forced labor or servitude in agriculture, factories, brothels and private homes. The question of whether or not to criminalize or decriminalize prostitution is not on the agenda. In fact, people who voluntarily migrate to work in any industry, including prostitution, are covered by the draft protocol on smuggling of migrants, which is also being negotiated in Vienna.

The definition of trafficking currently being debated contains the elements of "the threat or use of abduction, force, fraud, deception or coercion, or by giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another." The International Human Rights Law Group and its partner organization, which work on trafficking on a daily basis, support inclusion of these elements. The definition rightly focuses on the character of the crime committed, rather than on the purpose for which a person may be trafficked. People who face conditions of forced labor, servitude or slavery for any reason, including in prostitution, are fully protected under the draft protocol definition.

Traffickers will not go free, as the authors allege, if a trafficked person initially consents to work in prostitution (or in agriculture, or a factory, or a home). Those familiar with the crime of trafficking, including the Law Group's partners in countries as diverse as Thailand, Ukraine, Colombia

and the U.S., know that a large majority of trafficked persons are initially deceived into consenting to migrate to work only to find themselves forced to work against their will in slavery, forced labor or servitude. Despite their initial consent, they have been trafficked. Consent is similarly irrelevant in the draft protocol because no one can consent to the use of force or deceit, slavery, servitude or forced labor. Consent is not a defense in the U.S. either. The Department of Justice regularly prosecutes traffickers even though the victims initially agree to travel and work (without documentation) in the sex industry, agriculture and factories. This explains why there is, in reality, no outcry from developing or other nations over the proposed definition.

Instead, what we have seen is a groundswell of support for this international effort to combat trafficking and protect trafficked persons. Yet, the effort is endangered by those, including Messrs. Bennett and Colson, who would use this protocol to support their position on the unrelated issue of the criminalization of prostitution. Their attempts raise the real possibility that the protocol process may be derailed, as it would be exceptionally difficult to reach an international consensus on the legality of prostitution in this forum. If the negotiations are derailed, the victims would be those very people whom Messrs. Bennett and Colson ostensibly seek to protect: the men, women and children who have been forced or deceived into migrating to work and live in life-threatening conditions, not only in the sex industry, but also in factories, farms, restaurants and other industries throughout the world.

GAY J. McDOUGALL
Executive Director

International Human Rights Law Group
Washington

SEC Wields Power Unauthorized by Law

Your Jan. 6 page-one story "Auditors Missed a Fraud and SEC Tries to Put them Out of Business" missed a far more important issue than whether the Coopers & Lybrand auditors screwed up the Cal Micro audit: The SEC's authority under the law to pursue those auditors in an administrative proceeding—where the judge is an SEC employee, there is no right to jury trial, and the initial appeal is to the SEC, which brought the case in the first place.

The issue is not whether the accounting profession should be held accountable for incompetence or worse. The issue, instead, is whether the SEC is to be bound by the rule of law or should, instead, be permitted

Offline and Running

Michael Wolf writes: "As broadband technology becomes more pervasive, no one will ever truly be offline" ("The Triumph of Broadband," editorial page, Jan. 11): Oh yeah?

When I go for a walk in the field or ride a hike or a horse, I'm offline.

Congress of the United States

House of Representatives

Washington, DC 20515

January 14, 2000

The Honorable William J. Clinton
The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We write to express our grave concern at your Administration's support for a protocol that would essentially legitimize prostitution and hard-core pornography. As a final vote on how the United Nations should define sexual trafficking of women will take place on January 17, 2000, we request your immediate attention to this matter.

Reliable reports suggest that the officials representing the Clinton Administration at the Vienna U.N. Convention on Transnational Organized Crime have taken steps to guarantee the virtual enslavement of millions of women into prostitution by limiting the protection of international law to only those situations where exploited women can prove that they have been forcibly trafficked across international boundaries. We believe that taking any course of action, which makes millions of women vulnerable to sexual exploitation, is not only immoral but also a complete abdication of our responsibility as a world leader.

Is prostitution "forced" upon a young woman whose family tells her that they will starve if she does not sell her body? She will probably consent to this sexual enslavement in order to save her family. Is prostitution forced upon a young woman who is lured and taken to a big city by the promise of a job and then finds that the job is selling herself in a brothel? How will she prove that she is being held against her will? The definition being pushed by your Administration contains a glaring loophole making successful prosecution almost impossible if the pimp or criminal organization is smart enough to demand that the young women sign a consent form.

By limiting the protection, which the protocol would provide by narrowing the definition, the Administration would be complicating and virtually guaranteeing that few sex traffickers are ever prosecuted. "Voluntary" prostitution would be redefined by default to be a legitimate form of labor. It is common knowledge, both within the United States Department of Justice and the Department of State, as well as outside government, that organized criminal enterprises are involved at every level of trafficking in prostitution and hard-core pornography. Moreover, these criminal enterprises are extremely adept at identifying loopholes in the laws of individual countries as well as international agreements and protocols. Thus, one can expect that if traffickers know that certain methods of luring, ensnaring, and trafficking women will not trigger enforcement, they will make their actions appear to fit those methods even if their actual conduct remains as brutal and threatening as before.

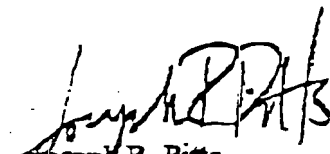
We call upon you to take swift and decisive action to make certain that women around the world are protected from a life of sexual enslavement. These women, whose lives are at stake, are sisters, daughters, and mothers. We cannot abandon them to a lifetime of exploitation at the hands of pimps, pornographers, and organized criminal enterprises.

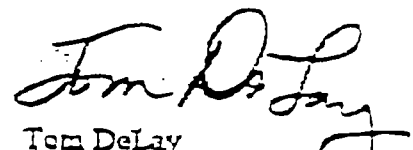
Finally, we have substantial questions about how this situation has been allowed to occur. Were you unintentionally uninformed or misled by senior officials at the State Department? Did White House personnel keep important information from you? These questions are troubling and raise serious concerns about the commitment to human rights of senior State Department officials and oversight in critical areas.

You should also know that you might not be alone in being misled. Recently, Mrs. Clinton appeared at an international meeting on trafficking with groups which all advocated the narrow definition of sexual trafficking. To our knowledge, she did not speak out, she did not raise this critical issue and ask for further consideration, nor did she firmly state that our international position is the same as our domestic position which is reflected in federal and nearly every state law—that prostitution in all of its guises is illegal and that the focus of any inquiry must be on the traffickers, pimps, and exploiters and not principally on the way the prostitute was lured, seduced, or forced into a lifetime of exploitation.

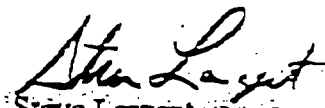
It is not too late to reverse course. We believe that swift action must be taken before the final January 17th vote. We also request that you provide us with a detailed explanation as to how such a misguided and potentially devastating series of actions by senior State Department officials has been allowed to occur. We look forward to working with you to liberate, not enslave, women and children in bondage worldwide.

Sincerely,


Joseph R. Pitts
Member of Congress


Tom DeLay
Member of Congress


Steve Largent
Member of Congress


Steve Largent
Member of Congress

cc: The Honorable Madeline K. Albright, Secretary of State

Helen Chenoweth Hage

Helen Chenoweth Hage
Member of Congress

Tom Coburn

Tom Coburn
Member of Congress

Jim DeMint

Jim DeMint
Member of Congress

John T. Dechle

John T. Dechle
Member of Congress

Dave Weldon

Dave Weldon
Member of Congress

Walter B. Jones

Walter B. Jones
Member of Congress

Roscoe G. Bartlett

Roscoe G. Bartlett
Member of Congress

Frank R. Wolf

Frank R. Wolf
Member of Congress

Richard W. Pombo

Richard W. Pombo
Member of Congress

Jim Ramstad

Jim Ramstad
Member of Congress

Spencer Bachus

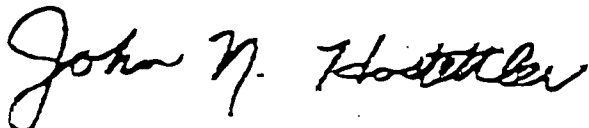
Spencer Bachus
Member of Congress

Gil Gutknecht

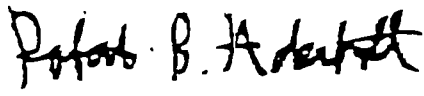
Gil Gutknecht
Member of Congress

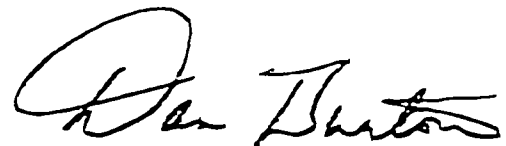

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Sam Johnson
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John N. Hostettler
Member of Congress


Mark Foley
Member of Congress

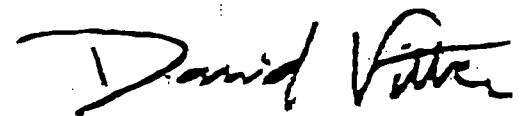

Robert B. Aderholt
Member of Congress


Dan Burton
Member of Congress

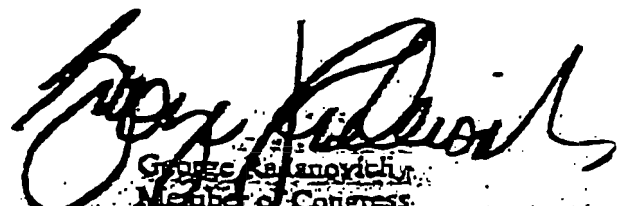

Cass Ballenger
Member of Congress

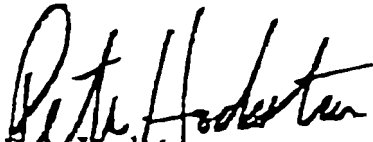

Bob Riley
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David Dreier
Member of Congress

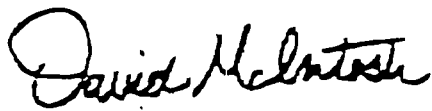

David Vitter
Member of Congress


George Miller
Member of Congress


George LeMunyon
Member of Congress


Peter Hoekstra
Member of Congress


Philip M. Crane
Member of Congress


David McIntosh
Member of Congress


Ernest J. Istook, Jr.
Member of Congress



CHRISTIAN SCIENCE MONITOR - Downloaded January 20, 2000

Ending The Global Sex Trade

Ironically, the disappearance of one scourge, the Iron Curtain, has aided the growth of another, international organized crime. There's no more-telling evidence of this than the traffic in women from the former Soviet Union headed for the sex industries in Western Europe, the Middle East, the United States, and Japan.

Yet this trade in human beings, estimated at hundreds of thousands of women over the past decade, represents only a fraction of the worldwide prostitution market exploited by mobsters on every continent. They pocket an estimated \$12 billion each year from the sex trade.

Eastern European women are a growing part of this trade (one expert estimates 500,000 women have been trafficked out of Ukraine alone in the last decade). Asia is a major center for the trade, with hundreds of thousands of women trafficked each year.

To combat this terrible commerce and other forms of global gangsterism, United Nations members meeting in Vienna are working on a new Convention on Transnational Organized Crime. This treaty follows up on others drawn up by 20th-century diplomats to condemn and discourage the traffic in human beings. None, unfortunately, has had much success.

The Vienna convention includes some needed measures, such as stronger provisions for monitoring and reporting on the sex trade, which will aid law-enforcement efforts. But the treaty has run into some problems concerning its language.

Some countries, including the United States, back wording that prohibits trafficking of people across borders for "forced prostitution." That wording is a concession to countries with legalized prostitution. But it could offer traffickers a defense. They can argue that the women they transport come voluntarily.

In many cases, indeed, impoverished women are willingly lured by promises of high-paying work abroad - although the type of work is misrepresented. Beyond that deception, a coercive environment envelops the women. Travel documents are often seized by traffickers, who may also threaten physical violence. This makes testifying against their "employers" problematic. Most women continue in virtual slavery until they can repay the debts concocted by traffickers. Then the women return to their home country poor as they left. Under these circumstances, the question of what's "forced" and what isn't becomes academic.

Breaking this cycle of bondage should be a legal and moral priority for the world's nations. The UN convention should be ratified with the strongest wording possible. Cooperation between law-enforcement agencies in countries involved in the sex industry has to be strengthened. This may not be easy, since officials in the countries of origin are sometimes implicated in the trade. Police in countries where the women are brought often limit their enforcement to deporting the women, if they're arrested.

Local laws against prostitution can be strengthened to reduce demand. Moves to legalize the sex trade, on the other hand, are likely to increase demand and heighten the trafficking.

This problem should be attacked from every angle - treaties, national and international law enforcement, and efforts by religious groups to counter the moral decay that underlies the trafficking in women. Countless individual lives hang in the balance, as do the chances for real democracy in

countries whose citizens are now routinely forced or lured into sexual slavery.

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BREAKPOINT[®]

with Chuck Colson

©2000 Prison Fellowship

January 10, 2000

No. 000110

"Traffick" Jam Should We Legalize Prostitution?

They say politics makes strange bedfellows—but here's one for the books. It may be the first time you'll see religious conservatives like myself working together with feminists like Gloria Steinem.

And the issue that has us holding our noses and joining forces? We're outraged over a new career option for women being pushed by a council of which Hillary Clinton herself is the honorary chair: Prostitution.

If Hillary's council gets its way, we'll have what amounts to a Full Employment Act for pimps and brothel owners.

It all began 18 months ago when United Nations representatives began meeting in Vienna. Their goal was to draft protocols for combating organized crime, including the sexual exploitation of women and children through sexual trafficking.

Immediately, conflict developed over how the word "trafficking" should be defined. Most developing countries want the word defined to include anyone who sells a woman or child into prostitution, whether she consents or not. Most victims of sexual exploitation, remember, are from the Third World, and this is, after all, the definition embodied in at least two United Nations conventions dating back to 1949—which the Clinton Administration, stunningly, seeks to repeal.

In so doing, it is joined by several European nations that have legalized prostitution. These countries support what's called the "Netherlands" definition. Under this definition, prosecution of sex traffickers would be restricted to those who profit from "forced prostitution." In effect, so-called "voluntary" prostitution would be redefined by default as a legitimate form of labor.

But wait a minute. Is prostitution really "voluntary" for the girl whose family tells her they'll starve if she doesn't sell her body? Is it "voluntary" for the young woman lured to the big city by the promise of a job—only to

discover that the job is in a brothel?

Robert Flores, vice president of the National Law Center for Children and Families, says the Netherlands definition amounts to "a virtual bar to prosecution" of sex traffickers. Some women and children will say they're willing to sell themselves—and if they don't, pimps will simply force them to sign phony consent forms.

Initially, the U.S. was uncommitted on how the word "trafficking" should be defined. And that's where Mrs. Clinton comes into it. Hillary, you see, is the honorary chair of the President's Interagency Council on Women. This council influences how the Administration responds to international sex trafficking.

Is prostitution ever "voluntary"?

Shockingly, this council forcefully urged adoption of the immoral Netherlands definition. We don't know why, exactly, but I'm betting Hillary Clinton's views are influenced by her feminist beliefs, especially the belief that women have the right to absolute control over their own bodies. And if women want to sell their bodies into prostitution—well, that's their right.

A final vote on how the United Nations should define trafficking will take place on January 17. As soon as you finish reading this, I hope you'll call the White House and the State Department and express your outrage over the U.S. position in Vienna.

If we don't act now, millions of women and children will be condemned to a life of sexual slavery, disease, and death—all with approval of our own government. ■

White House Opinion Line: (202) 456-1414
State Department: (202) 647-4000

Feminist Coalition Protests U.S. Stance On Sex Trafficking Treaty

By PHILIP SHENON

WASHINGTON, Jan. 12 -- An unusual coalition of women's groups, family-planning advocates and conservative Republicans is protesting what it describes as the Clinton administration's effort to weaken international laws against the trafficking of women and children for prostitution.

In a letter last week, the presidents of the National Organization for Women and the Planned Parenthood Federation of America, along with Gloria Steinem and other feminists, accused the administration of taking a position that was "extremely detrimental to women" in negotiations over a new United Nations treaty on sex trafficking.

They were referring to the administration's support for wording in the treaty that would define "forced prostitution" -- but not other types of prostitution -- as a form of "sexual exploitation."

The letter to the *State Department* said that the wording would make it more difficult to prosecute prostitution rings because the definition "would not cover some of the most common methods of sex trafficking, which prey on and profit from the economic desperation of women, girls and their families by securing their 'consent.' "

Leaders of the Heritage Foundation and other politically conservative groups sent a similar letter of protest last week to the first lady, Hillary Rodham Clinton. Mrs. Clinton has focused on the issue in her foreign travels and has repeatedly called for a crackdown on all types of trafficking of women and children across international borders.

***State Department* officials insist that American negotiators in Vienna, where the United Nations treaty is being drafted, are seeking a document that is as tough as possible in demanding punishment for criminals who transport women or children across borders for prostitution.**

But they said the United States risked alienating other governments, and undermining international support for the treaty, if it pressed too hard for a definition of sexual exploitation that included all forms of prostitution.

They said a number of European governments that have legalized prostitution might refuse to sign the treaty unless it made a distinction between forced prostitution and situations in which women choose freely to become prostitutes.

"The suggestion that we are trying to weaken laws on international trafficking of prostitutes is nonsense," said *James P. Rubin*, the *State Department's* chief spokesman.

Human rights groups estimate that each year hundreds of thousands, and perhaps millions, of women and

children are forced into lives of sexual exploitation. Many are transported across international borders by criminal organizations.

The debate over the wording of the United Nations treaty pits the administration against some of its natural constituencies in the women's movement and among family-planning organizations.

The administration's position does have support from some human rights organizations and women's leaders.

Regan Ralph, executive director of the women's rights division of Human Rights Watch in Washington, said that the treaty was too important to be undermined by a squabble over the exact wording of one section.

"My understanding is that the treaty is moving forward, and that it offers significantly improved protections of the victims of trafficking," she said. "We shouldn't allow this debate to derail those efforts."

The Clintons Shrug at Sex Trafficking

By WILLIAM J. BENNETT
And CHARLES W. COLSON

Over the past few months the Clinton administration has lobbied for the United Nations to adopt a protocol that would lend legitimacy to prostitution and hardcore pornography. This effort has been spearheaded by the President's Interagency Council on Women, a group whose honorary chairman is none other than Hillary Rodham Clinton. Although the proposal has drawn opposition from across the political spectrum, the administration is forging ahead with its plans. Whether it succeeds in these morally indefensible ambitions will depend on a crucial U.N. vote scheduled for later this month.

First some background. It's been estimated that each year some two million women and children world-wide are sent into lives of sexual bondage, usually as prostitutes. "Over the last 10 years, the numbers of women and children that have been trafficked have multiplied so that they are now on par with estimates of the numbers of Africans who were enslaved in the 16th and 17th centuries," according to Laura J. Lederer of Harvard's John F. Kennedy School of Government. What we are dealing with, then, is a huge number of human-rights violations.

Yet in Vienna a week from today—when the U.N. Convention on Transnational Organized Crime votes on its protocol to combat international trafficking in women and children—White House representatives will take the first step toward legitimizing the sexual-trafficking business. Negotiations on this Vienna Protocol have been going on for the past year and a half. Since December, however, the White House delegation has worked to narrow the definition of *sexual trafficking*, in a way that would allow certain prostitution rings to flourish. It has done so despite the objections of a majority of the G-77 countries and other developing nations, whose women are the principal victims of sex trafficking.

Existing U.N. Convention

To secure its goal, the Clinton administration must effectively repeal an existing U.N. convention that strictly forbids prostitution and requires punishment of any person who "procures, entices or leads away, for the purposes of prostitution . . . even with the consent of that person." The Clinton group also believes that international actions against pornography rings should be restricted to pornographers who work without the "consent" of the women they . . . thereby granting the international pornography "industry" the sort of legitimacy and legal status it has long sought.

Hillary Clinton has been quite active as the honorary chairman of the President's Interagency Council on Women, speaking out about the evils of sexual trafficking. In Reykjavik, Iceland, in October, she said: "No government and no citizen should rest until we stop this modern form of slavery, protect its victims and prosecute those who

The Clinton administration claims to champion women's rights. So why is it trying to weaken international restrictions on prostitution and pornography?

are responsible." But as is so often the case with the Clintons, what they do is at odds with what they say.

The White House position, should it prevail, would effectively ensure that prostitution and pornography would be treated as legitimate career options for women, as long as women "consent" to it and no force is involved. In defining the term *sexual exploitation*, the administration has supported using the phrase *forced prostitution* rather than simply *prostitution*. In this instance the adjective *forced* makes all the difference. If the administration's position is accepted, the focus of attention would shift from the profiteers who traffic in women to the supposed state of mind of the victimized women. It would create loopholes long sought by perpetrators, insulating them from criminal prosecution. "Practically speaking, this [new definition] is a virtual bar to prosecution," says J. Robert Flores, a former prosecutor with both the New York District Attorney and the U.S. Department of Justice.

Even if it were practical to distinguish between consent and force in such cases, the administration's position would still contradict common sense and decency. Prostitution and pornography inevitably exploit women, whether they consent to it or not. And it is not only conservatives who are opposed to the administration's policies in this matter.

In a stinging letter sent last week to Mr. Clinton, Gloria Steinem, Patricia Ireland, Eleanor Smeal and other feminist leaders wrote that "the definition of trafficking advocated by the administration would not cover some of the most common methods of sex trafficking which prey on and profit from the economic desperation of women, girls, and their families by using their 'consent' to sale in prostitution." The letter goes on to explain why narrowing the defini-

tion of sexual trafficking will hurt, not help, potential victims.

These objections have been echoed by women's groups from Bangladesh to Ukraine, and by the European Women's Lobby, a human-rights coalition of more than 2,800 dues-paying member organizations. They recognize what the Clinton administration does not: There can be no meaningful "consent" to one's own sexual exploitation—particularly when one lives in poverty and desperate circumstances.

The Clinton administration purports to be pro-woman. Nevertheless, in addition to its effort to weaken the Vienna Protocol, the administration has steadfastly opposed the Trafficking Victims Protection Act. This bipartisan legislation was passed unanimously by the House International Relations Committee, with the support of a broad coalition of religious, human-rights and women's groups. The legislation's definition of *sex trafficking* would include any "purchase, sale, recruitment, harboring, transportation, transfer or receipt of a person for the purpose of a commercial sex act."

End to U.S. Subsidies

Mrs. Clinton's Council on Women has opposed the bill because it allegedly imposes "mandatory sanctions" on countries that do not prosecute the most severe forms of trafficking. This is a double standard; the administration supports sanctions against countries that do not adhere to other, far less important standards of commercial conduct. And it is dishonest. The bill requires that the president either end nonhumanitarian foreign aid to offending countries or provide such assistance pursuant to a waiver. The only "sanction" is an end to U.S. subsidies, and even this sanction is not mandatory.

What, then, needs to be done? First, the Clinton administration should see to it that the Vienna delegation's position is reversed forthwith, well before the final Jan. 17 vote. Second, Congress should uncover the reasons why the administration has taken the current position. Third, the administration should cease its opposition to the Trafficking Victims Protection Act.

The reasons for the Clinton administration's course of action are hard to fathom. What is certain is that if it does not reverse its course, its actions in Vienna will be counted as yet one more shameful act committed by this deeply corrupt administration.

Mr. Bennett is co-director of Empower America. Mr. Colson is chairman of Prison Fellowship.



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50

CUSTOMER CARE

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By Catherine Edwards

She was filled with hope after accepting a job to work in a restaurant. She finally could leave behind the back-breaking labor of lemon harvesting. Her family in Mexico would be proud. But her happiness soon turned to unimaginable despair. When she met her new boss, he gave her tight clothes to wear and condoms to give customers. She was beaten, raped, locked into a trailer and forced to have sex with whomever walked through the door. It was every woman's worst nightmare.

But this trailer prison was not in Bangkok. This woman was in Florida. She is one of the 50,000 women brought into the United States every year to become sex slaves. Promised a better life and a respectable job, their lives become a living hell.

Religious critics and a powerful lobby of feminists led by

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The first thing we
noticed when we
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the first time

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Talk Back to Congress

Gloria Steinem and Patricia Ireland claim that the administration's position only can have the effect of legalizing prostitution. The dispute in Vienna is about defining the word "trafficking." The definition supported by the Hillary Clinton team speaking for the United States, the Netherlands and several other European countries would include only persons who are trafficked by force, fraud or deception. This differs from the current U.N. definition, which outlaws sex trafficking for any reason, be it voluntary or forced.

Proponents of the change contend that women should be guaranteed the right to sell their sexual favors as they please and be protected by labor laws and local government services. Opponents to changing the definition, fearful that the Vienna convention would be finalized in mid-January, fired off letters to the president and the first lady demanding to know why the administration was attempting to legalize prostitution by international agreement.

Former White House aide Chuck Colson, the Christian advocate who runs Prison Fellowship Ministries, and former Reagan secretary of education Bill Bennett, now codirector of Empower America, wrote a critical op-ed article that appeared in the Wall Street Journal. They called the Clinton position "hard to fathom," especially when the Clinton/Gore team purports to be pro-woman. "There can be no meaningful "consent to one's own sexual exploitation," they added, "particularly when one lives in poverty and desperate circumstances."

Republican Rep. Joe Pitts of Pennsylvania and 32 other members of Congress sent a letter to the president in mid-January expressing concern about administration advocacy of legalized prostitution. The congressmen noted that by narrowing the definition of trafficking in the Vienna protocol to allow for the prosecution only of those who can be proved to have used force, only a handful of sex traffickers ever would be prosecuted.

"Is prostitution forced upon a young woman whose family tells her they will starve if she does not sell her body?" the congressmen asked, ex-pressing hope that they could work with the Clintons and Gore to reverse the course of action and to liberate, rather than legitimate, women and children in bondage to the sex trade worldwide.

Richard Land of the Ethics and Religious Liberty Commission was joined by other religious conservatives in a tersely worded letter sent to Hillary Rodham Clinton in early January questioning her commitment to combat sex trafficking. Soon President Clinton received a similar letter from the major feminist organizations, including Equality Now, Planned Parenthood Federation of America, the National Organization for Women and the Feminist Majority.

The 1949 U.N. Convention for the Suppression of the

Traffic in Persons and of the Exploitation of the Prostitution of Others calls for punishment of any person who exploits the prostitution of another person, even with their consent. Jessica Neu-wirth, president of Equality Now and the other cosigners of the letter to the president expressed grave concern that the administration's position would undermine the long-standing U.S. commitment to this older convention and to fight prostitution, be it forced or voluntary.

The first lady, running for U.S. senator from New York, devoted a syndicated column to the issue, declaring her commitment to fight sex trafficking. Claiming that she has worked to raise awareness on this issue for the last five years, she parsed an attack on her detractors for accusing her of lobbying to weaken international laws or the laws of sovereign nations.

Soon a spokesman at Mrs. Clinton's office was saying she has not been involved in the Vienna negotiations, leaving the important work to her staff and nongovernment organizations, or NGOs, that support legalization of prostitution through this artful change in definition, say critics. Groups that support the change include Manhattan-based Human Rights Watch and the Washington-based International Human Rights Law Group.

Upset about this stir, the first lady's Interagency Council on Women issued a "fact sheet" on the issue, attempting to debunk what they call "myths" that have been circulating about their position. They reiterated their commitment that the treaty would not undermine the current 1949 U.N. treaty. They went on to say, however, how closely they are working with Human Rights Watch and the International Human Rights Law Group and how their position enjoys broad support by many countries and activists.

But what about at home? Prostitution is illegal everywhere in the United States except in two counties of Nevada.

Reagan Ralph of Human Rights Watch asserts that getting the treaty passed is paramount and that making a concession to a country such as the Netherlands, which has legal prostitution, is worthwhile if it enables the treaty to be approved. "But the United States is supposed to be a leader," responds Lisa Thompson, policy representative with the National Association of Evangelicals, one of the religious groups working hard to fight sex trafficking. "To agree to this language because some other European country wants it is ridiculous."

Finalization of the wording on the crime convention will be dragging on for at least another eight months. So it remains to be seen whether the scuffle over efforts to legalize the sex trade by treaty will turn into a donnybrook. It seems likely, however, that Mrs. Clinton's support for the redefinition will reverberate in her New York bid for the Senate.

House Majority Leader Dick Armey issued a statement during the January recess and vowed that when Congress

returns for the president's State of the Union address, "Congress will thoroughly review the U.S. position in these talks — and find out who is responsible for it."

New Jersey Republican Rep. Chris Smith and Democratic Rep. Sam Gejdenson of Connecticut have introduced the Freedom from Sexual Trafficking Act of 1999. The idea of this legislation is to punish those who knowingly engage in sex trafficking commensurate to conviction for rape. The Clinton/Gore administration has opposed parts of the bill. A memo leaked from the U.S. Information Agency says the State Department is opposed to Smith/Gejdenson and hopes to encourage a Democratic alternative.

Already the coalition that opposes the administration's position in Vienna has written to Rep. Ben Gilman of New York, chairman of the House International Relations Committee, to support Smith/Gejdenson.

But those who fear that legalization of allegedly consensual trafficking in prostitutes will be drag-ged into the back door of the United States by the Clintons using treaty law as justification are only beginning to pay attention. A favorite Clinton/Gore treaty, the U.N. Convention to Prevent All Forms of Discrimination Against Women, to which the United States is a signatory, already supports legalization of prostitution. The U.N. committee assigned to oversee implementation has written to the People's Republic of China: "The Committee is concerned that prostitution, which is often a result of poverty and economic deprivation, is illegal in China."

Will such a U.N. mandate be imposed upon the United States? Might prostitution be legalized and regulated here as legitimate labor, as critics of the Vienna protocol fear? Voters are asking those questions of the first lady.

Meanwhile, the young Mexican woman whose story we told at the beginning of this article has been able to escape her captors. But will she be safe here? For now all she says is this: "I am trying hard to be the person I was before I came to the United States."

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Catherine A. Fitzpatrick**FAX COVER SHEET**

Jan. 24, 2000

TO: Theresa Loar

FROM: Cathy Fitzpatrick

RE: Trafficking

DATE:

NUMBER OF PAGES (INCLUDING THIS ONE):

15

I have spoken to Felice and I know there is more and more frenzy on this issue. It seems to me you will have to meet with the women's groups on this, but it's important to come with research about the multilateral issues, since your argument is that we have to be harmonized with our allies, and their argument claims that the G77 and Europeans are in fact supporting a broader definition.

From my reading, the present state of play at the Vienna Crime Commission, and Mary Robinson's recommendations from the Office of the High Commission, and the OSCE interpretations, all support a more narrow definition of trafficking at least on the question of "forced" as a qualifier to prostitution, or "exploitation of prostitution" as in CEDAW. If they talk about a broader definition, or "all forms of trafficking," it still means trafficking as related to foreigners, and foreigners against whom force, coercion, fraud, deception is used, and what they mean by broader, is to expand it to bonded labor, etc. so that more protection is generated. "Broader" isn't "without or without consent".

I doubt the Vienna Crime Commission with 40 members or the Congress later will come up with something that has "without or without consent," and I don't think this information about the Group of 77 is correct -- but we'll have to see. You can ask the official U.S. delegation -- we also have a rep there now this week.

If Mary Robinson, Vienna, OSCE, are all supporting a more restricted definition, then domestic legislation has to be in concert with this. Mary has even put in a useful comment about avoiding "emotive language" by using the term "sexual exploitation."

I know that Mary Robinson and her chief deputy are at a conference in Bellagio right now with Gay MacDougall, on racism. Maybe you could reach them back in Geneva in a few days.

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National Affairs Worldwide

January 24, 2000

To: Theresa Loar
 From: Cathy Fitzpatrick
 Re: Trafficking

Tina Rosenberg at the NYT is on maternity leave but Bill Berkeley is substituting for her. We have a representative at the Vienna Crime Commission and I've asked her in particular to scope out what the other countries are thinking.

I have called Mary Robinson's office -- see her own statement on trafficking to the Vienna Crime Commission in June which focuses on victim protection, and "forced" and "exploitation" -- just as you have.

I have also been trying to get the real story on the numbers of countries that would insist on inclusion of the adjective "forced" in the definition of trafficking, and countries that are insisting on a looser definition. Please see the attached list of the 40 members of the Commission -- I don't know the new ones elected.

There may not be such a clear break-down over exactly this issue. But before making the statement that the U.S. needs to be mindful of multilateral relations on this issue, and retain "forced," it is important to get the story on the head count. There are countries that legalize prostitution (like Netherlands, which has also barred CIS prostitutes to discourage trafficking); countries that do not legalize prostitution but which may not criminalize it (like Russia); and countries which cannot enforce a ban on prostitution (like Thailand, but they are not a member of this Commission). But do the majority want to get rid of "forced"?

While all of these countries may want to stop trafficking and want the means and resources to do so, they may not be willing to commit to an abolition of prostitution.

Please look at the attached pages from an OSCE pamphlet, since OSCE concerns not only our EU allies, but trafficking countries like Russia and Ukraine. OSCE notes: **"Most experts agree that trafficking should be defined as involving deception or coercion of some kind."** The footnote here references the effort to get a Convention against Transnational Organized Crime, the effort in Vienna.

At Istanbul, the Charter for Europe, which Mrs. Clinton helped to promote, ducks this problem, first by referring to "exploitation," and second by failing to define trafficking in the document itself. As the OSCE pamphlet explains, trafficking has NOT been defined in OSCE documents, and they, unlike women's groups here, say it has never been precisely defined in international law. However, there is a footnote to the IOM's definition of trafficking, and the views of some NGOs who want to make sure that "forced" is not used. Their basic argument is that sex work is inherently exploitative and therefore the consent or control of the woman over her situation is irrelevant. No mention is made of the 1949 protocol. But there is wide dissatisfaction with this old convention, which is why we are all at the Vienna Crime Commission trying to fix this in the first place!

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Multilateral institutions and relations are one issue, and I suspect that a loose definition will not pass, precisely because there is so much unhappiness with the long definition of the 1949 Convention, which allows in so much detail, which actually winds up making the definition overbroad.

In the U.S., since prostitution is illegal and is prosecuted, I feel the focus of this legislation need not be prostitution. Rather, it must be about trafficking of foreigners, which is a crime, and about exploitation, to emphasize the distinction from already illegal prostitution.

If there is not a tight legal definition with "forced" -- words like coerced, defrauded, deceived can also be added -- then we open up the problem not only of how to deal with temporary protection and the granting of status and services under these bills, but the problem of political asylum. This is what women in La Strada or Sisters or Angel are worried about: getting safety, political asylum, and help for women who do not want to return to the countries from which they were trafficked, because there is nothing for them there. DOJ and INS are not going to countenance a swarm of visa or asylum requests because people merely can show they were prostitutes from other countries. But they will be willing to add the relatively fewer number of cases of people who can really demonstrate force.

A victim of trafficking who comes forward is a woman who is brave enough to present herself to the police or to a women's rights group and confess that she has committed the crime of prostitution on U.S. soil, and most likely the crime of violating INS regulations. Unless there are some really terrific women's groups on the ground, in many communities in the U.S., the first thing the police are going to do is not read a memorandum from Theresa Loar, but lock her up. That opens the door to mistreatment and deportation. I have witnessed this many times even in non-sex cases, e.g. some illegal Russians who overstayed their visas who were working as bonded laborers in the trucking industry arrested in Phoenix. The first impulse of our police will be to lock up, if not deport. That reality intimidates people from coming forward.

Therefore, we have to realize that most people in sex work, even though they are not happy with their plight, are not going to risk deportation. **Their motivation for coming forward is if they are exploited, forced, coerced, and if violence is used, especially.** If the new bills make this clear, and the word is spread in the CIS and Asian and other émigré communities, women who can demonstrate coercion and force will come forward. In order to prosecute traffickers, you need to show more demonstratively not that you have committed a crime, as a prostitute, but that you are a victim of a crime, as an exploited person. Cases not only of prosecution, but more importantly for human rights groups, political asylum cases, will hinge on whether women can demonstrate fraud, force, bonded labor, confiscation of passports, beatings, etc. If any woman comes forward seeking protection under this bill, we have to make sure that she is really protected, and the reality is, that means **NOT BEING DEPORTED**. That's the gold standard. Notions of return to microcredit programs or hospital beds in Russia just don't cut it.

So far from "shrugging" about prostitution, Mrs. Clinton, mindful that prostitution is already illegal in the U.S., is stressing the need to help victims of severe trafficking situations most in need of help -- another, more urgent layer of the issue. If she did not take aim at this violent, coercive, deceptive end of trafficking **first** -- if the legal definition wasn't tight -- she would actually be encouraging prostitution by not dealing with its worst, emergency forms first, and tackling something too big to solve!

Indeed, without a tight definition, another question that would have to be asked is this: why is it that only women from foreign countries could come and obtain services, financial assistance, shelter, legal assistance when engaging in prostitution, with or without their own consent, but U.S. residents and citizens engaging in prostitution cannot obtain such services or status before the law? Is there a law that provides safe haven for a prostitute in the U.S. who can testify against a pimp? Has Mrs. Clinton taken aim at ordinary prostitution in the United States? If she hasn't, that need not be a concern, because trafficking in human beings who have no recourse to lawyers and protection due to their lack of citizenship are a more severe problem, to be sure.

If there is a way for you to satisfy State Department lawyers and still drop "forced" or "exploitation of prostitution" (CEDAW language), by all means do so. But it is no accident that the OSCE, and the UN, have not arrived at a clean and clear definition of this--yet--and that the trend indeed has been to qualify the remedies for trafficking with the word "forced."

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 24 January, 2000

Country	<i>Year in which three-year term expires on 31 December</i>
Argentina	2000
Austria	1999
Benin	2000
Bolivia	1999
Botswana	2000
Brazil	2000
China	2000
Colombia	1999
Costa Rica	2000
Côte d'Ivoire	2000
Ecuador	2000
Egypt	1999
Fiji	1999
France	2000
Gambia	1999
Germany	2000
India	2000
Iran	2000
Italy	2000
Jamaica	1999
Japan	1999
Lesotho	1999
Malawi	1999
Mexico	2000
Netherlands	1999
Pakistan	1999
Philippines	1999
Poland	2000

Republic of Korea	2000
Romania	2000
Russian Federation	1999
Saudi Arabia	2000
Sudan	1999
Swaziland	1999
Sweden	1999
Togo	2000
Tunisia	1999
Ukraine	1999
United States of America	2000
Zambia	1999



United Nations

A/AC.254/16

**General Assembly**

Dist.: General

1 June 1999

Original: English

See p. 3 for Definition

**Ad Hoc Committee on the Elaboration of a
Convention against Transnational Organized Crime**

Fourth session

Vienna, 28 June-9 July 1999

**Informal note by the United Nations High Commissioner for
Human Rights****A. Introduction and general observations**

1. The United Nations High Commissioner for Human Rights is greatly encouraged by the fact that Member States have agreed to develop specific instruments on illegal trafficking and transporting of migrants (the Migrant Protocol) and on trafficking of persons (the Trafficking Protocol) under the auspices of the United Nations Convention against Transnational Organized Crime. Through the present note, the High Commissioner wishes to convey her concern about the issues those instruments are attempting to address as well as a number of comments regarding certain aspects of the two draft texts (A/AC.254/4/Add.1 and A/AC.254/4/Add.3/Rev.1). The note includes some general recommendations that the High Commissioner is willing to develop further should this be requested.

2. The High Commissioner also draws the attention of Member States to the separate, detailed analysis of the Trafficking Protocol prepared for their consideration by the United Nations Special Rapporteur on violence against women, its causes and consequences (A/AC.254/CRP.13). While that document does not necessarily reflect the position of the Office of the United Nations High Commissioner for Human Rights, the High Commissioner wishes to recall the fact that the Special Rapporteur was appointed by the Commission on Human Rights in 1994 to study the issue of violence against women—which the Special Rapporteur (reflecting the position taken by the General Assembly in article 2 of its Declaration on the Elimination of Violence against Women (resolution 48/104)) has found to include the phenomenon of trafficking as it affects women and girl-children.

3. The High Commissioner is aware that the instruments under development are not human rights treaties but more in the nature of transnational cooperation agreements with a particular focus on organized crime. However, it is important that new international instruments do not conflict with or otherwise undermine international human rights law.

A/AC.254/16

It is the High Commissioner's view that certain aspects of the two draft Protocols raise some concerns, which are set out briefly below.

B. Draft Protocol against Illegal Trafficking and Transport of Migrants Supplementing the United Nations Convention against Transnational Organized Crime

1. The rights of irregular or illegal migrants

4. The vulnerability of migrants, in particular irregular or illegal migrants, as a result of their precarious situation in society often leads to violation of their most basic human rights. The present draft Protocol focuses on migrants who are or have been the victims of criminal exploitation in their countries of origin and/or transit countries and/or countries of reception. That status renders such persons even more vulnerable to further exploitation and violation of their rights.

5. It is the High Commissioner's view that any instrument dealing with this issue—irrespective of its perspective—must commit itself to preserving and protecting the fundamental rights to which all persons, including illegal migrants, are entitled. Respect for basic rights does not, of course, prejudice or otherwise restrict the sovereign right of all States to decide who should or should not enter their territories.

2. The need to include a protection provision in the Protocol

6. Despite the acknowledgement in the preamble to the draft Protocol that *"illegal trafficking and transport of migrants is a particularly heinous form of transnational exploitation of individuals in distress"*, the Protocol itself contains no protection principle. In addition to its negative impact on trafficked migrants, a neglect of victim issues may well compromise the effective implementation of this instrument. The High Commissioner urges that consideration be given to inserting a provision to the effect that Member States are under an obligation to ensure respect for and protection of the rights of illegal migrants, which are owed to them under applicable international law. Such a general provision could be strengthened through reference to the core rights to which irregular or illegal migrants are entitled, including the right to life; the prohibition of torture and cruel, inhuman or degrading treatment or punishment; and the principle of non-discrimination.

3. The need to address the issue of detention

7. Irregular or illegal migrants who are detained by the receiving State have a recognized right under international law to be treated with humanity and dignity—both before and after a determination is made concerning the lawfulness of their detention. The practical importance of this right justifies a direct and specific reference in the Protocol.

4. The need to protect asylum seekers who are also irregular or illegal migrants

8. The High Commissioner draws attention to the fact that increasing numbers of asylum seekers—including those with genuine claims to refugee status—are being transported by means that would be covered in the present Protocol. The principle of *non-refoulement*, which is the core of international refugee protection and which is recognized as a norm of customary international law, must be preserved in this instrument. The High Commissioner strongly advocates the insertion of a provision to the effect that the

VAC.254/16

illegality of an individual's entry into a State will not be a factor adversely affecting that person's claim for asylum. In order to make such a provision effective, signatories should be required to ensure that illegal migrants coming within the scope of this instrument are given full opportunity (including through provision of information) to make a claim for asylum or to present any other justification for remaining in the country and that such claims be considered on a case-by-case basis.

5. **Prostitution and sexual exploitation**

9. The reference in the present preamble to prostitution and sexual exploitation is not followed up in the draft.

6. **A savings clause**

10. Consideration could be given to inserting a savings clause such as the one contained in article 15 of the draft Trafficking Protocol.

C. Draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children [Persons], Supplementing the United Nations Convention against Transnational Organized Crime

7. **Importance of this Protocol**

11. The observations of the High Commissioner in relation to this Protocol stem in part from an understanding of the potential significance of this instrument. As noted in the Preamble, there is as yet no universal instrument that addresses all aspects of trafficking in persons. In fact, "trafficking" has never been precisely defined in international law and the most recent international instrument dealing with trafficking and related issues is now more than half a century old.

8. **Definition of trafficking**

12. From this perspective the High Commissioner generally welcomes the approach to defining "trafficking" as reflected in option 1 of article 2. A broad and inclusive definition is vital to ensuring the present and continuing relevance of this instrument. In this respect it is relevant to note that the methods by which and the purposes for which individuals are trafficked are constantly changing. While the draft definition does recognize that trafficking takes place for reasons beyond forced prostitution (reference to "sexual exploitation"), it limits other purposes of trafficking to "forced labour". A preferable and more accurate description of purposes would include reference to forced labour and/or bonded labour and/or servitude. (The term "servitude", when used in this context, should be understood to include practices that have been defined elsewhere as "contemporary forms of slavery", such as forced prostitution.) Such a reference would be consistent with existing international law (see, for example, article 8 of the International Covenant on Civil and Political Rights) (see resolution 2200 A (XXI), annex). It would also serve to avoid the implementation difficulties inherently associated with undefined, imprecise and emotive terms such as "sexual exploitation" when used in connection with adults.



A/AC.254/16

9. Definition of trafficking in children

13. For reasons of clarity, the High Commissioner suggests that the definition of trafficking in children be dealt with in a separate section. This section should also include an acknowledgment that children have special rights under international law and that child victims of trafficking have special needs that must be recognized and met by States parties.

14. Consistency with current international law requires that the "child" be defined as "every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier" (article 1 of the Convention on the Rights of the Child (resolution 44/25, annex)). When defining the purposes for which children are trafficked, reference should be made to both sexual and economic exploitation. The High Commissioner urges inclusion of specific reference to the Convention on the Rights of the Child, which deals with both economic exploitation (article 32) and sexual exploitation (article 34). It should also be noted that the overwhelming majority of States are already under an existing legal obligation to take measures "to prevent the abduction of, the sale of or traffic in children for any purpose or in any form" (article 35).

10. The need to ensure respect for the principle of non-discrimination

15. The principle of non-discrimination is a fundamental rule of international law and one of particular relevance to the situation and vulnerabilities of irregular or illegal migrants. The High Commissioner is of the view that the Protocol should contain a broad non-discrimination provision. The non-discrimination clause in the Rome Statute of the International Criminal Court (A/CONF.183/9, article 21, para. 2) would appear to be a useful model for such a provision.

11. Assistance for and protection of victims of trafficking

16. The High Commissioner has noted with concern that despite the commitment contained in the Preamble to this instrument, the victim protection and assistance provisions of the draft Protocol are very weak. As a general observation, the High Commissioner notes that under the present draft text, victims of trafficking would appear to gain very little from cooperating with national authorities in the prosecution of traffickers. Assistance and protection provisions must, at a minimum, meet basic international human rights standards. From this perspective, specific reference should be made to adequate housing, appropriate health care and other necessary support facilities.

17. Assistance and protection provisions should also take account of the fact that trafficked persons are usually in an extremely vulnerable situation and may be subject to reprisals from traffickers. In addition, it should be noted that trafficked persons are often subject to detention and prosecution for offences related to their status (including violation of immigration laws, prostitution, etc.). States parties should be directed to refrain from detaining or prosecuting trafficked persons for such status-related offences.

18. The requirement of States parties to maintain the confidentiality of legal proceedings relating to trafficking in persons (draft article 4, paragraph 1) should not be limited to "appropriate cases and to the extent possible under domestic law". The right to privacy is enshrined in international human rights law and its protection is especially important in the situations covered by this Protocol where the continued safety of the trafficked person must be a primary consideration.

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19. The wide discretion implicit in the use of the term "in appropriate cases" in paragraph 2 of draft article 4 should also be restricted. Once a determination is made that an individual is a trafficked person to which this Protocol applies, then the provision of information with regard to court and administrative proceedings; assistance to enable their views and concerns to be presented and considered; and housing, education and care for children should not be dependent upon a further subjective determination of "appropriateness".

12. Status of the trafficked person/return of victims of trafficking

20. The High Commissioner is of the view that safe and, as far as possible, voluntary return must be at the core of any credible protection strategy for trafficked persons. A failure to include provision for safe and (to the extent possible) voluntary return would amount to little more than an endorsement of the forced deportation and repatriation of victims of trafficking. When trafficking occurs in the context of organized crime, such an endorsement presents an unacceptable safety risk to victims.

21. At a very minimum, the identification of an individual as a trafficked person should be sufficient to ensure that immediate expulsion that goes against the will of the victim does not occur and that the expanded protection and assistance provisions of the Protocol suggested above become immediately applicable. The High Commissioner urges Member States to consider a provision whereby trafficked persons are provided with the option of at least temporary residence. In addition to providing a measure of safety, such a provision would encourage victims of trafficking to cooperate with the authorities and thereby contribute to achieving the law enforcement objectives of the Protocol. It is important in this context to note that victim protection must be considered separately from witness protection, as not all victims of trafficking will be selected by investigating and prosecuting agencies to act as witnesses in criminal proceedings.

13. Victim rehabilitation

22. The High Commissioner considers that the limitation of "in appropriate cases" in draft article 7 is unnecessarily restrictive and not in accordance with international human rights law, which clearly provides that victims of human rights violations such as trafficking should be provided with access to adequate and appropriate remedies. The present paragraph 1 of article 7 could be strengthened through insertion of a general provision obliging States parties to provide information to trafficking victims on the possibilities of obtaining remedies, including compensation for trafficking and other criminal acts to which they have been subject, and to render reasonable assistance to such victims to enable them to obtain the remedies to which they are entitled under national law.

23. The obligation upon States to consider implementing measures "to provide for the physical, psychological and social recovery of victims of trafficking" should be made more precise. The High Commissioner suggests the insertion of a provision to the effect that States Parties are to take steps (both individually and through international assistance and cooperation) to provide for the physical, psychological and social recovery of victims of trafficking.

24. Finally, the High Commissioner notes that the term "rehabilitation" as used in international legal texts is generally reserved for offenders. The terms used in the Basic Principles of Justice for Victims of Crime and Abuse of Power (see resolution 40/34,

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annex)—victim "restitution", "compensation" and "assistance"—would be much more appropriate in this context.

14. Prevention of trafficking

25. The High Commissioner draws attention to the fact that national anti-trafficking measures have been used in some situations to discriminate against women and other groups in a manner that amounts to a denial of their basic right to leave a country and to migrate legally. Draft article 12 could usefully include a provision to the effect that actions aimed at preventing trafficking should not have discriminatory effects or infringe upon the right of an individual to leave her or his country or legally to migrate to another.

D. Relation between the two protocols

Ensuring consistency between the two protocols and avoiding conflicts in application

26. The High Commissioner endorses the concept of developing two Protocols dealing with illegal migration and trafficking, respectively. There is, however, a need to ensure consistency between the two instruments and to avoid conflict in their separate and joint application.

The ODIHR is in the process of collecting information about other efforts being conducted in the field, and will take this more fully into account in developing its proposed Action Plan.

2.

2. TRAFFICKING IN THE OSCE REGION

2.1 Defining the problem

There is little agreement in the international community as to how "trafficking" should be defined. Historically, trafficking has been defined in terms of the trade in women and children for prostitution or other "immoral purposes". The term "trafficking" is also frequently used interchangeably with "smuggling" - the facilitated movement of illegal migrants across international borders for economic gain. "Trafficking" has not been defined in OSCE documents, and, to date, has never been precisely defined in international law.¹

Despite many divergent definitions, there is growing agreement that the problem of "trafficking in human beings" involves two key elements: recruitment/transport and forced labour or slavery-like practices (actual or attempted). It is this link between the transport of migrants and the purpose of the transport that differentiates "trafficking" from "smuggling", and places trafficking among the practices considered "modern forms of slavery." Moreover, most experts agree that trafficking should be defined as involving deception or coercion of some kind.²

¹ Informal Note by the United Nations High Commissioner for Human Rights, presented to the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, 1 June 1999, A/AC.25/4/16 ("Informal Note").

² See, e.g., Human Rights Caucus, Recommendations and Commentary on the

In the OSCE region, trafficking is most often discussed in terms of "trafficking in women", "trafficking in women and children", or "trafficking for purposes of sexual exploitation". While trafficking indisputably has a disproportionate impact on women and girls and frequently entails trafficking for commercial sex purposes, trafficking is a much wider phenomenon, both globally and within the OSCE region. Trade in people may include, for example, trafficking in migrants for sweatshop, domestic, or agricultural labour, brokering forced or fictitious marriages, as well as buying and selling young women for brothels and strip clubs.

In order to provide a common framework for discussing the problem of trafficking, "trafficking in human beings" is defined for purposes of this background paper as:

- All acts involved in the recruitment, abduction, transport (within or across borders), sale, transfer, harbouring, or receipt of persons.

Draft Protocol to Prevent, Suppress, and Punish Trafficking in Persons (A/AC.25/4/Add.2/Rev.2), July 1999, p. 4; Testimony of Steven R. Galster, Director, Global Survival Network, before the Commission on Security and Co-operation in Europe (CSCE), 28 June 1999; Commission of the European Communities, Communication from the Commission to the Council and the European Parliament on Trafficking in Women for the Purpose of Sexual Exploitation, COM(96) 567, November 1996, p. 4. According to this view, for example, an adult woman who agrees to migrate for sex work and retains her freedom of movement and substantial control over her earnings would not generally be considered a "trafficked person". Note, however, that the definition of trafficking in women used by the International Organization for Migration (IOM) does not require deception or coercion, but includes "any illicit transporting of migrant women and/or trade in them for economic or other personal gain". In addition, some NGOs argue that "trafficking" should not be defined in terms of coercion or lack of consent, particularly in the context of the sex industry. Their basic argument is that sex work is inherently exploitative and therefore the consent or control of the woman over her situation is irrelevant.

Traffickers tend to target young women and girls in countries or regions where socio-economic conditions are difficult and opportunities for women are extremely limited. Recruitment practices vary, but invariably involve some form of coercion or deception. In a typical situation, the young woman responds to an advertisement or is recruited informally by an agent (often an acquaintance) offering a good job in another country or region.⁹ Typically the jobs offered are for nurses, hair stylists, au pairs, domestic workers, waitresses, models or dancers. Recruiters may approach the young woman's family, or recruit them at mixers or matchmaking parties organized by marriage agencies. In some countries, women and girls have been abducted outright or lured across borders by "friends" for night-life or tourist excursions. In others, young women and girls are literally sold to procurers by relatives, "boyfriends", or state institutions such as orphanages. Some women travel overseas for arranged or brokered marriages, only to be forced into prostitution by their "husbands" when they arrive.

Prevention (CICP), increasing networks among organized crime groups provide for "economies of scale and full control of the smuggling-trafficking sequence: from smuggling to the control of sex markets." For a discussion of the "mafia" connection to trafficking in Russia, see, e.g., Global Survival Network (GSN), "Crime & Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States" ("Crime & Servitude"), October 1997, pp. 33-40.

⁹ As one analyst has noted: "In societies with a tradition of fixing deals informally, this form of recruitment does not necessarily arouse suspicion..." Moreover, in many of the origin countries, especially in rural areas, the young women and their families may not be accustomed to questioning the legitimacy of advertisements or agencies. This is particularly true in countries where advertisements for legitimate "female" jobs commonly list "young" and "attractive" as qualifications. Traffickers may also go to great lengths to give the appearance of legitimacy, including by using bogus written contracts. See United States Department of State, Bureau of Intelligence and Research (INR), "International Trafficking in Women from Central Europe and the CIS," November 1997, p. 4. See also GSN, "Crime & Servitude", *supra* note 8.

It is also important to note that many young women who are trafficked know that they will be working in the sex industry, but are deceived about the nature or conditions of their work. Some agree to work in "milder" forms of sex work, such as "peep shows" or clubs, but later are forced into prostitution. Others agree to work abroad as prostitutes or escorts, expecting to earn money quickly and then return home after a short period of time. Instead they are sold on the marketplace to a pimp or brothel and then trapped in abusive situations by intimidation and debt bondage.¹⁰

In the case of international trafficking, traffickers use various mechanisms to transport women and girls across borders, sometimes with the co-operation of immigration authorities. Many women (particularly from Central and Eastern Europe) are able to enter destination countries legally on student, tourist, or temporary work visas, and then overstay their visas. Others enter as "mail-order brides." In some countries, such as Canada and Switzerland, women may obtain work visas as dancers, entertainers, or artists, thus enabling legal entry. When tourist visas or work permits are not available, traffickers can easily obtain false or altered travel documents from associates or local authorities. In Russia, for example, traffickers can reportedly obtain an altered passport for an underage girl for about \$800.¹¹ The International Organization for Migration (IOM)

¹⁰ See, e.g., European Commission, Communication from the Commission to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation (1996), COM (96)367:

"Trafficking for the purpose of sexual exploitation covers women who have suffered intimidation and/or violence through the trafficking. Initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes, but who are then deprived of their basic human rights, in conditions which are akin to slavery."

¹¹ GSN, "Crime & Servitude", *supra* note 8, p. 9.

- by the threat or use of force, deception, coercion (including abuse of authority), or debt bondage,
- for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, forced or bonded labour, or in slavery-like conditions,
- in a community other than the one in which the person lived at the time of the original deception, coercion or debt bondage.⁵

As defined, "trafficking in human beings" would include trafficking for sexual as well as non-sexual purposes,⁶ and all actions along the chain, from the initial recruitment (or abduction) of the trafficked person to the end purpose or result - the exploitation of the victim's person or labour.

⁵ This definition is based roughly on the definition used or recommended by the UN Special Rapporteur on Violence Against Women, the Human Rights Caucus, and the President's Inter-Agency Council on Women (United States). It is used in this report to provide a framework for discussing the problem of trafficking and is not necessarily recommended as a legal definition.

⁶ In connection with the UN draft Protocol to Prevent, Suppress, and Punish Trafficking in Women and Children ("Trafficking Protocol"), the UN High Commissioner for Human Rights, the Special Rapporteur on Violence Against Women, and the International Labour Organization have recommended using the gender-neutral term "trafficking in persons" and a broad and inclusive definition of trafficking that would include all forms of forced and/or bonded labour and servitude. They have also recommended against using the term "trafficking for purposes of sexual exploitation" as it relates to adults, in part because the term "exploitation" is subject to many divergent interpretations. See, e.g., Informal Note, *Amra* at footnote 1; Position paper on the draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, submitted by the Special Rapporteur on Violence against Women, A/AC.254/CRP.13 ("Special Rapporteur Position Paper"). See also Human Rights Caucus, Human Rights Standards for the Treatment of Trafficked Persons ("Human Rights Standards"), January 1999.

Although issues such as illegal migrant smuggling and working conditions of migrant workers are closely related to trafficking and are also significant problems within the OSCE region, they will not be addressed specifically within the scope of this report.

2.2 Trafficking in women and girls for the sex industry⁷

To a greater or lesser degree, almost all OSCE participating States are affected by trafficking in human beings, particularly trafficking for the sex industry. Despite the lack of concrete statistical data, experts in the field agree that it is a growing (and evolving) phenomenon, increasingly perpetuated by organized crime.⁸

2.2.1 Patterns and practices

By several accounts, hundreds of thousands of women and girls are trafficked to and from OSCE participating States every year to work as virtual slaves in the sex industry.

Although trafficking differs somewhat in each country or region where it occurs, certain common patterns have emerged.

⁷ A small percentage of young men and boys are also trafficked each year in the OSCE region for use in the sex industry. The CIA estimates this percentage as approximately two per cent. The term "girl" is used to refer to a female person under the age of 18.

⁸ Criminal groups of all levels of sophistication are involved in trafficking of human beings. These range from small, informal networks to well-organized international trafficking rings. In some cases, the same criminal organizations engaged in trafficking women appear to be involved in other illicit activities, including drug and automobile smuggling, with the profits all interrelated. See, e.g., United States Department of State, Bureau of Intelligence and Research (INR), "International Trafficking in Women from Central Europe and the CIS", November 1997, pp. 4-5. According to the United Nations Centre for International Crime



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Web Page: <http://www.equalitynow.org/>

To: Ms. Theresa M. Loar
Organization: The President's Interagency
Council on Women

From: Monique Widyono

Date: January 24, 2000

FAX Number: (202) 647-5337

Tel. Number: (202) 647-6227

No. of Pages: 2 (not including this sheet)

Dear Theresa,

Attached is a letter from Jessica sent from Nairobi. Please feel free to contact me if you have any questions or concerns regarding this. I understand from Jennifer Jackman at the Feminist Majority that a meeting will be convened tomorrow (Tuesday) at 9:30 AM which we would be very pleased to add our participation via conference call. A member of your staff called to get contact information for the signatories and I apologize for not having them handy to get them to her at the time. Here they are:

Eleanor Smeal, Feminist Majority, phone- 703-522-2214, fax - 703-522-2219; Robin Morgan, Sisterhood is Global, phone ²¹²⁻²⁴²⁻⁸⁷⁸⁸, fax 212-255-4115; Gloria Feldt, Planned Parenthood, phone- 212-541-7800, fax- 212-247-6453; Hibaaq Osman, Center for the Strategic Initiatives of Women, phone-202-223-7956, fax- 202-785-1944; Frances Kissling, Catholics for a Free Choice, phone- 202-986-6093, fax- 202-332-7995; Dorchen Leidholdt, Center for Battered Women Legal Services, phone-212-349-5960, fax- 212-566-0344; Julia Scott, National Black Women's Health Project, phone - 202-543-9311, fax- 202-543-9743. Gloria Steinem, MS Magazine, phone 212-509-2092 fax 212-509-2407

Let me know if you need any more information. Looking forward to the conference meeting tomorrow.

Monique

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...together, and it is what we are most concerned about. I think it would
 preparing for a meeting to have an update on the latest thinking of the State
 Department with regard to a definition. When you repeatedly invoke those who have supported
 the definition we have concerns about, the question that arises is whether the State Department is
 continuing on its previous course or whether adjustments have in fact been made to accomodate
 our concerns.

I am sorry to be away and inaccessible by telephone, but I have increasingly felt the need to ask
 for clarification in light of what I have seen and heard since our last discussions. I will be back
 Wednesday night, and look forward to catching up with you shortly thereafter.

Regards from Nairobi,

Jessica (mcw)
 Jessica Neuwirth
 President

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what brought our coalition together, and it is what we are most concerned about. I think it would be useful in preparing for a meeting to have an update on the latest thinking of the State Department with regard to a definition. When you repeatedly invoke those who have supported the definition we have concerns about, the question that arises is whether the State Department is continuing on its previous course or whether adjustments have in fact been made to accomodate our concerns.

I am sorry to be away and inaccessible by telephone, but I have increasingly felt the need to ask for clarification in light of what I have seen and heard since our last discussions. I will be back Wednesday night, and look forward to catching up with you shortly thereafter.

Regards from Nairobi,


Jessica Neuwirth
President

Boston Globe January 2, 2000
 Sunday *FOCUS* Section, pp. C1-2.
 WORLD

Prostitutes work — but do they consent?

BY ERIC GOLDSCHIEDER

Prostitution is illegal in most parts of the world, considered grossly immoral by many people, yet it is in sync with the globalization of business and culture that is a hallmark of our times.

Sex tourism, international trafficking in women, prostitution attributed to declining economies here and with prosperity there, all seem to be growing rapidly, though reliable figures are hard to find.

When prostitutes can organize, they are likely to keep more of the money they earn, and they are better able to set standards, such as condom use.

Scholars and activists continue to debate whether buying and selling sexual services should be treated like an industry. Should prostitutes be regulated, allowed to form unions, be given legal and medical protections? Should governments tax this trade and cash in on a wildly lucrative enterprise? Or should every legal, social, and cultural prohibition against prostitution be sought to stamp it out?

Serious people make reasoned arguments on both sides of the divide between "abolitionists" and "regulationists."

The battle is joined in several venues. One is Vienna, where deliberations are taking place to craft language for a United Nations response to trafficking, including in the sex industry. Delegations from 100 or so countries have been devising treaty language since May 1998 to deal with transnational organized crime. They want a document in place for governments to consider signing by next Octo-

PROSTITUTION, Page C2

Eric Goldscheider is a freelance reporter based in Amherst.

Prostitutes work – but do they actually consent?

PROSTITUTION

Continued from Page C1

and they are pushing hard to get that. One of the protocols is designed to prevent, suppress and punish trafficking in persons, especially women and children."

Janice Raymond, a professor of women's studies at the University of Massachusetts at Amherst and the co-director of the Amherst-based Coalition Against Trafficking in Women, believes the kind of language adopted in Vienna and in other forums may fundamentally affect women's lives well into this century.

At the risk of oversimplifying a complicated issue, you could say that one word draws more ire than any other: consent.

The draft protocol has two options for negotiators to decide between for the section on "scope" and "definitions." Raymond favors the second, which extends the reach of the document to "prostitution or other form of sexual exploitation of a woman – even with the consent of that person." It would also penalize sex tourists and pornographers.

Anything less would leave a huge loophole for traffickers, she says. "The consent of the victim should be irrelevant."

Truly consensual prostitution is exceedingly rare, Raymond argues, believing that prostitution that might seem consensual is probably the product of poverty or past abuse. Her position as a feminist is that purchasing access to a body (almost always a woman's) for intercourse is exploitation and that no regulatory line can be drawn and no legal framework crafted to get around that fact. For her, it is a human rights issue: A society that allows some women to be degraded for the gratification of men inevitably demeans all women.

The other option being debated in the United Nations draws a distinction between consensual and forced prostitution. Supporters, like Ann Jordan, director of The Initiative Against Trafficking in Persons at the International Human Rights Law Group based in Washington, D.C., say it protects women, and is a far better approach. Significantly, it leaves open the possibility that a woman may choose prostitution of her own free will, Jordan says, yet it protects women from being trafficked into

slavery, forced labor, and servitude. Jordan, who also calls herself a feminist, faults "the zeal" with which the other side seeks to criminalize almost everyone associated with the sex trade.

She points to a hypothetical case of a woman deciding to enter prostitution in another country and asking her brother for a ride to the airport. Under the more restrictive wording, he is subject to prosecution. Jordan's concerns are not just for those unwittingly caught up in practices some people condemn. She has a fundamental problem with telling women how to evaluate basic life choices. The result, according to her, is often to drive prostitutes, already among the most marginalized women in the world, further underground and further into the clutches of criminals who brutalize and exploit them.

Many women see prostitution as a chosen way to make a living, she says. It might not be their first choice in a perfect world, but given the alternatives, it is a logical one they freely make, Jordan believes, and outlawing their means of survival violates their human rights.

As representatives of organizations with consultative status to the UN Economic and Social Council, Raymond and Jordan attend sessions of the Transnational Crime Commission to press their views. If the resulting convention is signed by member states, as expected, it will have the force of a treaty.

Adding fuel to the fire over how the international community should respond to prostitution is a report issued in 1998 by the research arm of the UN International Labor Organization, or ILO. The

book-length study, called "The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia," is edited by economist Lin Lean Lim.

Much about the report disturbs Raymond, not the least of which is that an organization with a mandate to look at labor, rather than criminal, concerns is taking up the issue of prostitution in the first place. And the report draws a distinction between "voluntary" and "involuntary" prostitution.

Again, the issue of consent emerges. In a pamphlet, "Legitimizing Prostitution as Sex Work: UN Labor Organization Calls for Recognition of the Sex Industry," Raymond contends the organization is calling "for governments to cash in on the booming profits of the industry by taxing and regulating it as a legitimate job."

She calls such moves "the height of economic opportunism" and worries that governments will get hooked on prostitution to "lower the unemployment rate and then for taxing women's earnings to raise desperately needed capital." She says the ILO report "confuses compliance with consent."

Lim, through a written statement, contends the report takes no position on consent, but merely conveys competing views. She also denies that the report encourages governments to "get in on the gravy train" by taxing prostitution. She says the report "suggests that recognition of prostitution as an economic sector in official statistics, development plans, and government budgets" is important for sound policy.

Prostitution and related businesses account for between 2 and 14 percent of the gross domestic product in the four countries Lim's report covers, according to contributing researchers. Other sources estimate that between 1 million and 4 million women are trafficked across borders each year, with most references tending toward the higher estimate.

Jordan, of the International Human Rights Law Group, argues that there are important policy reasons to recognize that some women freely choose prostitution. She points to 40,000 prostitutes in Calcutta who formed a union. Only if prostitutes have a degree of legal legitimacy can they protection from the law, says Jordan.

When prostitutes can organize they are likely to keep more of the money they earn and they are better able to set standards such as condom use, according to Jordan. She contrasts an HIV infection rate of under 10 percent among organized sex workers in Calcutta where, she says, condom use is enforced by brothel owners, and 61 percent among sex workers in Mumbai (formerly Bombay) where prostitutes are not allowed to organize.

Raymond, who recently received a grant totaling \$349,000 from the Ford Foundation and the US Justice Department to study sex trafficking, responds that the net effect of any movement toward legitimizing prostitution is to fuel demand, in the process subjecting ever more women to extreme sexual exploitation.



Prostitutes in

Perrh, Cambodia, now find

in the hub of illegal

trafficking into neighboring Thailand.

REUTERS PHOTO

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EX

UN TRAFFICKING TREATY: MYTHS - FACTS

As you may know, the United States is currently negotiating a UN Convention against Transnational Organized Crime. One of its main objectives is to reach consensus on a protocol for the trafficking of human beings. By requiring participating countries to punish the perpetrators and help the victims, this treaty represents another historic step forward in our global efforts to help the one million women and girls who, every year, are being shipped across national lines and sold into modern slavery.

Although this treaty is being negotiated in Vienna with the strong support of governments and NGOs, unfortunately, over the past week some have waged a misinformation campaign against it. Many of their claims are misleading. Some are blatantly false.

As this debate moves forward, it is important to separate the myths from the facts.

MYTH: The Protocol will legalize prostitution.

FACT: The Administration opposes prostitution in all its forms. The United States has perhaps the most far reaching prostitution laws in the world. There are international human rights and humanitarian laws that fight exploitation and prostitution. We will not agree to a treaty that weakens existing prostitution laws here or around the world. In fact, the draft treaty clearly states that these international treaties - and the obligations they impose on participating countries - must remain unchanged. Despite what some have claimed, this treaty will not, in any way, undermine the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

MYTH: The Administration opposes trafficking legislation.

FACT: The Administration has been working with Congress to craft the strongest possible legislation to stop trafficking. We want a law that will provide effective punishments for the perpetrators and protections for the victims - from medical treatment to shelter to the opportunity to become a legal resident. This assistance will not only give victims safety and security, but it will also help them assist in the prosecution of traffickers. If we are going to continue our progress in fighting trafficking, passing legislation is a critical next step. We remain committed to working closely with Congress this year to reach consensus and enact meaningful legislation.

MYTH: There is a groundswell of opposition to the protocol.

FACT: Most of the vocal opponents are those who are trying to score political points by misrepresenting the protocol and dividing and conquering its supporters. The truth is, our approach enjoys broad support among countries and activists. The United States policy is the product of extensive work by experts across the government. And it is supported by many international and U.S. NGOs with experience working with trafficking victims - from Charlotte Bunch of the Center for Women's Global Leadership, to Gay McDougal of International Human Rights Law Group, to Reagan Ralph of Human Rights Watch.

MYTH: The protocol's definition of trafficking will be finalized in the next few weeks.

FACT: The language of the protocol is still being negotiated. The United States has entered into no final agreements. Agreement on the final text is at least 8 months away. In the interim, the U.S. delegation will be listening to the debate and making our voices heard.

MYTH: This protocol should focus only on the commercial sex industry.

FACT: This debate is about much more than the sex industry. Every day, women and girls are being sold not only into prostitution, but also domestic servitude, sweatshop labor, debt bondage, and other forms of modern-day slavery. Often lured with promises of jobs as waitresses or hairdressers, they may be held captive, and forced to work in inhumane conditions. They may be raped or beaten continuously.

These crimes are violations of human dignity. The US will not rest until all forms of trafficking are stopped. The draft protocol addresses trafficking - in the sex industry and elsewhere - that involves force, deception, fraud, and coercion. It would help punish those who profit from buying and selling women and girls. And it would encourage countries to offer truly unprecedented protections and assistance to the victims. In appropriate cases, women and girls who have suffered unspeakable harm would be offered the possibility of lawful resident status, health care, shelter, restitution and other tools they need to rebuild their lives.

Conversely, switching the focus of the protocol entirely to the sex industry would move us backward in two fundamental ways.

First, it fails to adequately address all the ways in which women and children are harmed by traffickers - from domestic servitude to bonded sweatshop labor. Second, many countries would withdraw their support. If this happens and the treaty is derailed, the only winners will be those who profit from buying and selling women and girls.

MYTH: The Administration has turned its back on trafficking.

FACT: No Administration has done more to combat the trafficking of women and girls here and around the world [see fact sheet]. Today, trafficking is finally out of the shadows in large part because of the leadership of First Lady Hillary Rodham Clinton, Secretary of State Albright and Attorney General Reno. The U.S. is a world leader on this issue. We have mobilized the entire government to prevent trafficking, to protect its victims, and punish its perpetrators. We are working with Congress to enact the strongest possible legislation. We have established a taskforce that is prosecuting traffickers in the United States. We have engaged in anti-trafficking campaigns with many other countries - from the former Soviet Union to South East Asia. And we are actively leading international efforts, including those developed at the OSCE and the United Nations, to stop trafficking in every corner of the world.

FACT SHEET: HOW HAS THE CLINTON ADMINISTRATION TAKEN STEPS TO STOP THE TRAFFICKING OF WOMEN AND CHILDREN?

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

PREVENTION OF TRAFFICKING IN HUMAN BEINGS

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

PROTECTION AND ASSISTANCE FOR TRAFFICKING VICTIMS

- The U.S. has allocated funds to the Mekong Region (which includes Thailand, Cambodia, Vietnam, and Laos) in order to provide return and reintegration assistance to victims of trafficking.
- The U.S. has allocated funds to return trafficked migrants from Bosnia and Herzegovina. The project will put in place mechanisms and procedures for the orderly and safe return of trafficked victims in order to break the cycle of trafficking and re-trafficking of women who have been entrapped in the sex industry.
- The Department of Justice is funding a pilot project through a network of community-based organizations to provide services, such as mental health counseling, emergency shelter, and referrals for medical care, to Asian victims of trafficking in the Los Angeles area and also is planning regional meetings with service providers from across the country.

PROSECUTION OF/AND ENFORCEMENT AGAINST TRAFFICKERS

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

MULTILATERAL/BILATERAL PROGRAMS:

- The United States and the Philippines will co-host the Asian Regional Initiative to Combat the Trafficking of Women and Children (ARIAT) in March of 2000. Twenty-three Asian and Pacific nations will discuss national action plans and develop a regional strategy to prevent trafficking, protect victims, reintegrate trafficking victims into society, and prosecute traffickers.
- The United States and the Italian Government continue to cooperate on a bilateral initiative to combat trafficking in women and children signed by President Clinton in 1998. The joint campaign targets data collection, the protection of the rights of victims, and training for law enforcement.
- At the November 1999 OSCE summit, the United States stressed the relevance of trafficking in the OSCE region and joined other summit participants in calling for the implementation of the Action Plan to Combat Trafficking by all OSCE member states.
- Since 1998, the U.S. Mission in Nepal has carried out a program to combat trafficking. Six U.S. government agencies cooperate with the government of Nepal to help prevent trafficking, protect the victims, and prosecute traffickers. Programs in Nepal strike at the sources of trafficking through poverty alleviation and rural income generation. Department of State funds strengthen units of the Nepal police focused on crimes against women and children. The Department has also sponsored seminars to draft legislation on trafficking.