



**Testimony**

**of**

**Gary A. Haugen  
President & CEO  
International Justice Mission®**

**before the  
The Subcommittee on East Asian and Pacific Affairs  
of the Senate Foreign Relations Committee  
United States Senate**

**April 9, 2003**

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**INTRODUCTION**

Mr. Chairman

My name is Gary Haugen and I serve as the President of International Justice Mission (IJM). On behalf of IJM, I would like to express my thanks to the Committee for the privilege of participating in this important hearing to Review U.S. Policy on the Trafficking of Women and Children in East Asia and Beyond.

International Justice Mission is an international human rights agency that provides a hands-on, operational field response to cases of human rights abuse referred to us from faith-based ministries serving around the world. Frequently these workers observe severe human rights abuses in the communities where they serve. These workers refer these cases to us, and then we conduct a professional investigation to document the abuses and mobilize intervention on behalf of the victims.

Many of the cases referred to us involve children taken into sex trafficking and commercial sexual exploitation. Accordingly, we deploy criminal investigators to infiltrate the brothels, use surveillance technology to document where the children are being held, and then identify secure police contacts who will conduct raids with us to get the children out. We then coordinate the referral of these children to appropriate aftercare.

At a time when our nation is vigorously engaged in a struggle against tyranny and terrorism in the world, this Committee manifests the generous and conscientious spirit of the U.S. Senate by making room in its agenda for vigilant oversight of our national commitment to combat the global scourge of human trafficking.

I would like to focus my remarks today on the nightmare of human trafficking for purposes of sexual exploitation. Quite simply, sex trafficking is the ugliest and most preventable man-made disaster in our world today. It is ugly because it is massive and brutal. UNICEF estimates that about a million children are victimized by sex trafficking each year around the world. IJM investigators have spent literally thousands of hours infiltrating the sex trafficking industry, and the reality we find is a horror one only encounters in nightmares. I've just returned from an investigation of a sex trafficking ring in a South East Asian country where I entered a brothel and was promptly offered a dozen children between the ages of 6 and 12 who, for a modest price, were made available by the pimps to be raped and molested.

At the same time, this ugly and appalling epidemic is also one of the most preventable catastrophes on our globe today. The simple fact of the matter is this: sex trafficking only flourishes where it is tolerated by local law enforcement. The business of sex trafficking and forced prostitution requires that the perpetrators commit multiple felonies of abduction, rape, assault, and false imprisonment – and then it requires that the perpetrators hold out the victims of these crime openly to the public so that the

customers can find them. It does no good at all for the brothel keepers and pimps to hide their victims. In fact, to make money on their investment, the pimps and brothel keepers must make their victims openly available to the customer public – and not just once, but continuously, and over a long period of time. Obviously, therefore, if the customers can find the victims of sex trafficking whenever they want, so can the police. How, therefore, do you possibly get away with running a sex trafficking enterprise? You do so only if permitted by local law enforcement. Generally, this is facilitated by bringing the police into the business and sharing the profits with them in exchange for protection against the enforcement of the laws that are openly and continuously violated every single day the business is in operation. Certainly sex trafficking is exacerbated by poverty and economic desperation; but we do not find epidemic levels of sex trafficking wherever we find poverty in the world. Rather, sex trafficking flourishes on a large scale only in those countries where it is tolerated by national law enforcement.

This is the indispensable insight about the fundamental vulnerability of sex trafficking that must be grasped. Sex trafficking requires the commission of multiple felonies in a way that is held out openly to the public. Therefore it can be shut down wherever there is the political will and operational resources to do so.

Sex trafficking and commercial sexual exploitation can be drastically reduced wherever a country has the political will and the operational capacity to send the perpetrators to jail and to treat the victims with compassion and dignity. This is a fight that can actually be won. In fact, this was the animating conviction behind the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA sought to influence the political will of countries with serious trafficking problems by making clear that there would be consequences for a country's relationship with the United States, including the possibility of sanctions, if that country did not make significant efforts to meet minimum standards in combating sex trafficking. Secondly, the TVPA also authorized grants to help strengthen a country's capacity to address sex trafficking through prevention, prosecution, and protection activities.

The authors of the TVPA understood that it was essential to strengthen both the political will and the operational capacity of countries to fight sex trafficking. It was well understood that in many countries the victims of sex trafficking fundamentally lacked the voice and power to make themselves a priority for national law enforcement. Sex trafficking operations prey upon the most marginalized groups in society – women, children, refugees, undocumented persons, ethnic minorities, and the poor. Fundamentally, political leaders do not feel threatened in their hold on power if they fail to protect a bunch of impoverished and low-status women and girls. Scarce law enforcement resources are deployed to protect the things that societies value the most, and in countries where the women and children have been relegated to the status of a lower life form, they are left utterly vulnerable to the brutalities of the commercial sex trade. Accordingly, the TVPA endeavored to place the voice and values of the American people on the side of these vulnerable women and children by making it clear that their abuse would not be tolerated. Specifically, the TVPA established the Office to Combat and Monitor Trafficking to provide a voice of accountability for the otherwise voiceless victims of trafficking. This new office would tell the truth about whether a country was vigorously defending women and children against the horrors of trafficking, with the understanding that those countries unwilling to provide such basic protections would find an adverse impact in their relationship with the United States.

This was the theory behind the policy expressed in the Trafficking Victims Protection Act of 2000. All of the great effort in passing the TVPA was intended to actually make a real-world difference for the women and children being crushed by the forces of sex trafficking. I offer this review simply to ask the

question whether the policy is actually having its intended effect, especially in East Asia. What have we learned about the efforts to implement the policy that actually make a difference and what have we learned about those actions that undermine the impact of the policy? In a number of countries, IJM has been working hand-in-hand with foreign governments, NGO's and State Department personnel to conduct hands-on operations to rescue victims and to bring perpetrators to justice, and we are learning about the practical impact of U.S. policy at the street level. Our experience is starting to demonstrate that, as we all hoped, the policy can have a tremendous impact if implemented vigorously.

What makes the policy actually work?

I would suggest 3 things:

1. Vigorous and transparent reporting on a government's record on sex trafficking convictions and police disciplinary actions.
2. A credible, and clearly communicated threat of consequences for governments that are not taking serious steps to actually send perpetrators to jail and to get police out of the trafficking business.
3. Focused and practical capacity building for sending perpetrators to jail and caring compassionately for victims.

I would like to take a moment to examine these one at a time. First, vigorous and transparent reporting on a government's record on sex trafficking convictions and police disciplinary actions.

The purpose of the Trafficking In Persons Report is simple: it is intended to provide accountability. Therefore, the report has its intended effect when it is actually written in a way that makes accountability easy, rather than making it hard. We should make no mistake. There are those who will have an interest in making clear accountability harder rather than easier – and (as all of my fellow lawyers well know) there certainly are ways to fashion a document that either promotes accountability or obscures accountability. Effective accountability is achieved when the Report provides specific, objective, transparent data on a government's actions that actually matter. And from the perspective of the sex traffickers, only two government actions matter: a) Is the government seriously threatening to actually send me to jail for doing this? b) Is the government seriously threatening to remove the police protection that I have paid for?

Consequently, effective accountability regarding the seriousness of a government's efforts to combat trafficking will only begin to emerge when there is specific objective data on the number of successful trafficking-related convictions resulting in jail time, as well as data on the number of disciplinary actions that have been taken against police who are complicit in protecting sex trafficking operations (remembering that such operations simply don't exist on a significant scale without such protection).

Again, it must be emphasized that the relevant data point is convictions – not raids, arrests, and prosecutions. Traffickers, brothel keepers, and pimps are quite willing to endure raids, arrests, and even prosecutions if, at the end of the day, they don't have to actually go to prison. In fact, such actions are just considered part of the costs of doing business. Moreover, even the most corrupt police carry out raids, arrests and initiate prosecutions. In fact, they must do so in order to maintain the credible threat by which they extort bribes from the perpetrators. That is why countries with the worst

sex trafficking records can report raids, arrests, and prosecutions; but such countries have very little to report in terms of actual convictions. None of these other actions turn into a credible law enforcement threat that actually deters sex trafficking unless they result in convictions with imprisonment. This is the only cost of doing business that the perpetrators are unwilling to pay.

This is why IJM is so pleased that the new Director of the Office to Combat and Monitor Trafficking, the Hon. John Miller, has adopted as the policy of his office that governments wishing to be certified as making serious efforts to meet minimum standards in combating sex trafficking must bear the burden of providing objective data on trafficking-related convictions and police disciplinary actions. After all, these governments are themselves in the best position to report on their own positive actions, and the Office cannot be reasonably expected to affirmatively certify that a government is making significant efforts if the government provides no verifiable data on these two most basic responsibilities. Self-reporting by a government regarding its own counter-trafficking initiatives with follow up by the State Department provides the best means for transparency and accountability.

The second ingredient for making the TVPA policy actually work has been a credible, and clearly communicated threat of consequences for governments that are not taking serious steps to actually send perpetrators to jail and to get police out of the trafficking business.

In order to bring effective protection to women and children vulnerable to sex trafficking, governments must move counter-trafficking efforts from being a good idea to being an urgent priority. And in reality, the only dynamic that generates such a shift is usually the belief that something bad will happen if they fail to do so. This is why the threat of possible sanctions was incorporated within the legislation for countries placed on Tier 3 of the Trafficking In Persons Report (TIP). In this regard, we have found that trafficking issues become an urgent priority for the worst offending countries only after they have been placed on Tier 3 or faced a credible risk of being placed on Tier 3. While some countries may diplomatically protest their placement on Tier 2, foreign governments clearly understand that actual consequences for their poor trafficking record only kick in if they are on Tier 3. Among countries with serious trafficking problems, therefore, it is only the credible risk of Tier 3 sanctions that actually moves countries to earnestly make the work of combating trafficking an urgent law enforcement priority, rather than just a public relations nuisance.

Accordingly, a TIP Report process that proceeds with a presumption that Tier 3 status for certain countries is diplomatically intolerable or politically untenable severely undermines the effectiveness of the TIP Report process. An unspoken but *de facto* presumption against a Tier 3 ranking effectively freezes the status quo of the worst offending nations and weakens the TVPA's capacity to impact political will. It profoundly dishonors the suffering of women and children brutalized by sex trafficking and commercial sexual exploitation. Likewise, the TVPA's capacity to strengthen the political will of authorities to end the toleration of sex trafficking is utterly diluted by the failure to articulate clearly to foreign governments the straightforward requirements of the TVPA and the real risks of consequences associated with a poor trafficking record. Ultimately, it will be up to congressional committees such as this to thoroughly and rigorously scrutinize the precise factual basis upon which the State Department grants passing grades to the some of the most notorious sex trafficking countries.

Finally, U.S. policy is effectively advanced through focused and practical capacity-building for programs that send perpetrators to jail and care compassionately for victims. In addition to political will, foreign governments also need the practical wherewithal to take decisive law enforcement measures to combat trafficking and to care for the victims. Accordingly, U.S. policy is advanced by funding programs that

address the intensely practical challenges of strengthening law enforcement capacities to investigate, arrest and successfully prosecute sex trafficking offenders. Programs are needed to support special anti-trafficking police units and prosecutorial teams with training, operational support, and hands-on assistance in achieving the priority outcome of sending offenders to jail and removing dirty cops.

Education, awareness, and poverty alleviation programs are important preventative measures, but such programs will never be able to keep pace with the entrepreneurial energy and creativity of the traffickers unless they are combined with practical programs that actually help make national law enforcement successful in sending perpetrators to jail. Police complicity in sex trafficking has been so pervasive and ugly that many have been tempted to imagine solutions that simply ignore the police. But in combating any crime, the answer to *bad* law enforcement is never *no* law enforcement – the answer must always be a committed struggle for *better* law enforcement.

Accordingly, IJM is very pleased that recent legislation has cleared the way for funding by USAID and other agencies of targeted programs that strengthen counter-trafficking activities of specialized police and prosecution units, as well as legal advocacy to protect victims and to bring perpetrators to justice. (See the Consolidated Appropriations Resolution, 2003 (P.L. 108-7).

Equally critical are programs that fund comprehensive and compassionate aftercare services for the victims of sex trafficking. Not only are such programs necessary to treat victims with the dignity and care that they deserve, but they are also absolutely indispensable for establishing the victim cooperation that is essential for any meaningful counter-trafficking endeavor. At present, the existing capacities for providing comprehensive aftercare for the victims of sex trafficking are tragically inadequate. In fact, IJM has found itself limited in the rescue operations it could conduct for victims because of the lack of aftercare capacity. This is a need that can and must be addressed by targeted and generous appropriations.

Additional opportunities to fund programs to fight sex trafficking and commercial sexual exploitation have emerged as a result of President Bush's bold initiative to combat the AIDS epidemic. Research has demonstrated that sex trafficking is one of the great engines driving the spread of the AIDS global pandemic, and while traditional AIDS prevention programs of education and awareness go a long way in helping women and girls make good choices in avoiding high-risk sexual activities, these programs do nothing to protect the millions of women and girls who do not get to make choices about their sexual encounters – particularly the millions of victims of commercial sexual exploitation who are forcibly infected with the HIV virus. Accordingly, federal funding of programs aimed at combating the international AIDS epidemic must include support of programs to combat sex trafficking and other forms of sexual violence against women and girls, or else America's effort to fight AIDS will simply fail to address one of the fundamental and certainly most brutal causes of the epidemic.

Finally, in recent weeks IJM has directly experienced the positive impact of U.S. policy in combating sex trafficking in Cambodia. More than two years ago, IJM began conducting extensive investigations into one of the most appalling cesspools of child prostitution in the world, a village called Svay Pak outside Phnom Penh where scores of girls between the ages of 5 and 12 were being sold in an open market for pedophiles and sex tourists. Over a two-year period we turned our investigative findings over to Cambodian authorities, but failed to obtain a satisfying response. Then last year, the TIP Report placed Cambodia on Tier 3 and the new U.S. Ambassador to Cambodia, Ambassador Charles A. Ray, initiated a very proactive engagement with the senior Cambodian authorities on U.S. policy toward trafficking. This direct advocacy with Cambodian authorities and the excellent work of

Ambassador Ray's staff, helped make it possible last month for IJM and the Cambodian authorities to bring rescue to 37 minor victims of commercial sexual exploitation out of Svay Pak, including about a dozen children between the ages of 5 and 10. In addition, approximately 12 suspects have been arrested and charged, with cooperative police investigations continuing with IJM to locate and prosecute additional suspects identified in our investigative report.

Ambassador Ray, and representatives of the U.S. Department of State were very successful in making clear to the Cambodian authorities the priority that American foreign policy places on addressing sex trafficking. Senior Cambodian authorities were well and effectively briefed on the dynamics and significance of the tier rating system of the Trafficking Victims Protection Act, and on the consequences of failing to make significant efforts to meet minimum standards in combating trafficking. Consequently, by the time IJM was able to brief the Cambodian authorities on our latest Svay Pak investigation, they were prepared to provide extraordinary cooperation in working with IJM to seek rescue for the victims and to pursue accountability for the perpetrators. We believe that the advocacy of the U.S. Embassy with the Cambodian authorities was an indispensable and decisive factor in generating effective law enforcement cooperation.

These actions have paved the way for significant and continuing progress in mobilizing effective law enforcement responses to human trafficking in Cambodia. Cambodian police authorities have had a positive experience of effective counter-trafficking investigations and enforcement actions with IJM that produced arrests, proper charges, and compelling evidence for prosecution. They have participated in groundbreaking procedures for humanely conducting victim interviews in the presence of a social worker and an NGO lawyer-monitor while being videotaped. They have also requested further training from IJM in effective counter-trafficking investigations and enforcement actions, and have developed new relationships with local NGO's.

Of course, it will be very important to continue to monitor the actions of the Cambodian authorities as they follow-up on these specific cases, and as they persevere in vigorous efforts to investigate and successfully prosecute sex trafficking crimes on an on-going basis. Cambodia has had a very poor record of tolerating sex trafficking (especially among very young children) and such a record cannot be turned around overnight. But we believe that a very promising beginning has been made in supporting the Cambodian government in a new direction to seriously combat sex trafficking and commercial sexual exploitation.

We believe these encouraging events help to serve as a model for what can be achieved when there is transparent reporting through the TIP Report, a meaningful application of the tier rating system, direct advocacy by U.S. authorities at the highest levels of government, and tangible, practical assistance to foreign governments in bringing rescue to trafficking victims and justice to perpetrators.

IJM looks forward to continuing its constructive work with the U.S. State Department, foreign governments, and partner NGO's in helping make sure that the promises of U.S. policy in fighting sex trafficking and commercial sexual exploitation deliver tangible results to vulnerable women and children and hastens the day when these brutal enterprises of rape for profit are simply put out of business.

Thank you very much.