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**Office to Monitor and Combat Trafficking in Persons**  
**Senate Committee on Foreign Relations**  
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Thank you very much, Mr. Chairman and Members of the Committee. I would like to especially thank Chairman Kerry for considering my nomination. I appreciate the confidence President Barack Obama and Secretary Hillary Clinton have placed in me through this nomination to serve as Ambassador-at-Large and Senior Advisor to the Secretary of State, and to lead the Office to Monitor and Combat Trafficking in Persons.

And thank you for the kind introduction. As noted, I have most recently acted as Counsel to the U.S. House Committee on the Judiciary. In this role, I was deeply involved with supporting the work of the Congress on the William Wilberforce Trafficking Victims Protection Reauthorization Act. The unusual fact that the Act was passed in both houses by unanimous consent clearly demonstrates the national consensus that the U.S. Government must take every measure to counter this growing global tragedy.

A Call to Action to Combat Modern-Day Slavery

Indeed, the mandate for such action is rooted in our own history. In 1808, the United States outlawed the transatlantic slave trade, setting in motion a series of events that culminated decades later in a Constitutional guarantee that “neither slavery nor involuntary servitude ... shall exist within the United States.” These many years later, the Thirteenth Amendment’s living promise of freedom underlies our vigilance against modern-day forms of slavery, at home and abroad.

This trust was recognized by President Obama, when he spoke about enslavement last fall:

Sadly, there are thousands who are trapped in various forms of enslavement, here in our country. Oftentimes young women who are caught up in prostitution. So, we've got to give prosecutors the tools to crack down on these human trafficking networks. Internationally, we've got to speak out and we've got to forge alliances with other countries to share intelligence, to roll up the financing networks that are involved in them. It is a debasement of our common humanity, whenever we see something like that taking place.

So too, Secretary of State Clinton spoke forcefully against slavery in her confirmation hearing:

We have sex slavery; we have wage slavery....We're going to be speaking out consistently and strongly against discrimination and oppression of women and slavery, in particular, because I think that is keeping not only with American values, as we all recognize, but American national security interests as well.

Through these pledges the President and Secretary of State reflect our nation's civil rights history. Born of the Abolitionist movement and forged by war, the federal anti-slavery laws protected newly-freed slaves and immigrant workers in the late 1800s and were used in the 1930s by the NAACP and FBI to break the sharecropping system. Through the leadership of Congress and President William J. Clinton, these important statutes were updated and expanded by the Trafficking Victims Protection Act of 2000 (TVPA), and President George W. Bush implemented the TVPA and its reauthorizations with vigor.

America's modern counter-trafficking laws provide the tools that we need to deliver upon the Thirteenth Amendment's living promise of freedom. We must follow the path of civil rights pioneers like Sojourner Truth, Frederick Douglass, and William Wilberforce, and continue forward as modern abolitionists.

### Early Steps – The “3P” Paradigm and Victim Centered Policymaking

As the Justice Department's Involuntary Servitude and Slavery program coordinator under the Clinton Administration, and as the Chief Counsel of the Human Trafficking Prosecutions Unit under the Bush Administration, I have long worked to protect victims and bring traffickers to justice. The last decade has seen a dramatic increase in attention to human trafficking and enforcement of the U.S. involuntary servitude and slavery statutes. This was not because the practice of involuntary servitude suddenly exploded – it was because a new understanding and the modern tools that Congress gave us fueled the work of dedicated law enforcement officers and non-governmental organizations. This approach resulted in a ten-fold increase in human trafficking cases, the rescue and support of thousands of victims including approximately 1,700 foreign TIP victims certified or eligible to receive certain federally-funded or administered benefits, and a new relationship between law enforcement and social service providers.

We have come a long way since I prosecuted my first slavery case. In the mid-1990s, when the term “trafficking” came into use to describe this area of the law, linkages between law enforcement and non-governmental actors were rare, and were dependent on personal relationships forged through working together on other cases. The Civil Rights Division’s long-standing Involuntary Servitude and Slavery program had been badly hurt by the Supreme Court’s decision in United States v. Kozminski 487 U.S. 931 (1988), which overturned the emerging consensus that our slavery statutes should reflect the psychological understanding gained through the sexual assault, domestic violence, and victims’ rights movements that victims could be held in compelled service through more subtle forms of coercion.

Internationally – if countries thought about trafficking at all back then – many assumed that their legal regimes were sufficient. They typically had on their books Nineteenth Century laws prohibiting transportation for immoral purposes, or had signed but not implemented international commitments to combat slavery and forced labor. But those laws were often not broad enough to capture the many ways that people could be victimized, provide for the assistance needed to help recovery, or look to the root causes that make people vulnerable to exploitation or enslavement. And frankly, those laws existed more in the dusty statute books of a variety of legal systems than in the daily mission of police and prosecutors around the world.

And so the U.S. Government developed the “3P” approach: Prevention, Prosecution, and Protection, which is now the global standard for anti-trafficking efforts. It has informed the broad international consensus on human trafficking, as reflected in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (“Palermo Protocol”).

I was able to contribute my field experience to the development of the 3P paradigm through the interagency process established during President Clinton’s Administration. That “Prevention, Protection, and Prosecution” are inter-related does not seem radical now, but many in law enforcement were initially very worried that partnering with civil society or focusing on victims’ rights would mean a loss of control, not an opportunity.

Those of us who have worked on this issue for the U.S. Government are also justly proud of the “Victim Centered Approach” advocated by the United States, which posits that a nation’s responsibility for the promotion and protection of human

rights and fundamental freedoms is as important as the nation's interest in its sovereignty or general criminal laws. Viewed in this light, governments have a responsibility to protect the victim and assist with the victim's recovery, rather than prosecuting that person for a violation of immigration or prostitution laws. This approach acknowledges that attention should be paid to rehabilitation and restoration of the survivors at the same time as the government works to bring traffickers to justice.

As a federal prosecutor, I have seen the impact of human trafficking up close. I have often witnessed without any filters the violence and greed of the trafficker and the suffering and trauma of the victims. To me, the victims are not statistics: they are the hundreds of people who have shared with me not only the painful memories but also the joyful experience of healing. When victims are central to the process, many of these people, with assistance, end up resilient survivors. Their bravery often allows us to put their tormenters behind bars. I have witnessed agents, prosecutors, and judges come to see these survivors not as pieces of evidence or as powerless victims, but as people with hopes, dreams, and needs. Through the Victim Centered Approach, governments world-wide can make that same cultural shift.

Compared to those early days, in 2009 we see that the modern anti-slavery movement is no longer an isolated "boutique" issue. It is now recognized as an essential element of the government's comprehensive law enforcement strategy, linked closely to both human rights and national security concerns. Thousands of trafficking cases have been prosecuted around the world, and many thousands of victims assisted. Energized civil society activists fight human trafficking world-wide. Often underfunded and working at great risk to their own safety, their activism ranges from quietly providing shelter and services to raising awareness on a global scale. And in the U.S. and abroad, interdisciplinary task forces bring NGOs and police together to work cooperatively in the best interests of the survivors.

Yet, there remains much work to be done.

### The Way Forward

If confirmed, I would work intensively with foreign governments to ensure that traffickers are brought to justice, strengthen standards of victim protection, and continue to raise awareness of modern-day forms of slavery. As a career prosecutor, I am very aware of the limitations of an enforcement-only approach.

We cannot “prosecute ourselves out” of this problem, no more than we can do so in other crimes involving violations of human or civil rights such as racial violence or police brutality.

Rather, a cultural shift needs to accompany enforcement efforts, both in the United States and around the world, so that society does not write off the people most vulnerable to trafficking as somehow disposable “others.” We must look more closely, and go beyond the superficial or the semantic. Rather than seeing a woman as “just a prostitute,” or an abused migrant as “just an illegal alien,” we need to see through to each individual’s humanity and recognize how traffickers exploit their victims’ vulnerabilities to hold them in bondage. Likewise, we must see through the movement and migration that characterize so many human trafficking situations and focus on the compelled service that the Palermo Protocol and other international instruments<sup>1</sup> place at the core of this phenomenon. If confirmed, I would use the resources of my office to engage governments and civil society to that end.

While we must confront the root causes of trafficking (such as poverty, lack of opportunity, the status of women, displacement and destabilization due to war or disaster), we must also address the markets where traffickers flourish, such as dehumanizing prostitution and migratory labor – not just through laws, but through a new understanding and attitudes.

A cultural shift will be needed that rejects the glamorization of pimp culture, respects the rights of immigrant crime victims, and undercuts the demand that drives trafficking whether for sexual or labor exploitation. We logically can expect

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<sup>1</sup> As Congress noted in the Trafficking Victims Protection Act, elements of trafficking have long been addressed through international instruments, even before the development of the Palermo Protocol:

The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking, through declarations, treaties, and United Nations resolutions and reports, including the Universal Declaration of Human Rights; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the 1948 American Declaration on the Rights and Duties of Man; the 1957 Abolition of Forced Labor Convention; the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; United Nations General Assembly Resolutions 50/167, 51/66, and 52/98; the Final Report of the World Congress against Sexual Exploitation of Children (Stockholm, 1996); the Fourth World Conference on Women (Beijing, 1995); and the 1991 Moscow Document of the Organization for Security and Cooperation in Europe.

that there would be little involuntary servitude in a world in which men don't seek out prostitutes, the rich don't expect child servants, and migrant workers are paid above-board.

As to the activities of the Office to Monitor and Combat Trafficking in Persons ("TIP Office"), much of the work of the office is statutorily mandated, and if confirmed I would look forward to continuing and building upon the work of my predecessors. I will strive to monitor and accurately report on human trafficking in all of its forms in a rigorous TIP Report that serves as the basis for our engagement with foreign governments. I will work to ensure a consistent, transparent, and competitive grant process that builds on tier placements and shortcomings highlighted in the TIP Report, and to collaborate with partner agencies to leverage scarce resources through complementary and interlocking projects and efficient program support. Working within the State Department, I will assist Secretary Clinton with her efforts to ensure that human trafficking is prioritized as an important foreign policy concern, and is fully integrated into our diplomatic relations throughout the year, not just when the Report is launched.

The Office also has a strong external component, and if confirmed I will place a high priority on interagency cooperation, bilateral and multilateral relations, and engagement with civil society. Working in coordination with the wide range of organizations that are engaged on this issue, I would hope to draw upon the power and experience of civil society, including innovative public/private partnerships.

Within government, the last two Administrations established strong interagency processes. The National Trafficking in Persons & Worker Exploitation Task Force and the subsequent President's Interagency Task Force to Monitor and Combat Trafficking in Persons and its Senior Policy Operating Group have led to the development of relationships that can foster energetic partnerships across agency lines. These will enable prompt implementation of key Wilberforce Act provisions such as those relating to victim services, streamlined reporting and data-gathering, and critical programs for trafficked and at-risk children. Other provisions of that Act will enhance our ability to work across agency lines to protect the domestic workers of foreign diplomats, people traveling under "guestworker" visas, children in prostitution, and all victims of severe forms of trafficking.

Mr. Chairman, in the last decade, we have seen tremendous progress in the United States' efforts against modern-day forms of slavery. In 2001, many of us who had worked on this issue were concerned that the bipartisan anti-trafficking fight might not be taken up by the incoming Administration, despite the bicameral leadership

and consensus that we had seen from Congress. But Ambassadors Mark Lagon, John Miller, and Nancy Ely-Raphel stood up an office that reflected the 3Ps and the Victim Centered Approach and ensured that this issue could not be ignored. Their passion and commitment deserves the country's thanks, and will stand as an example to me if I am confirmed.

For those who may be similarly unsure during this time of transition, be assured that the Obama Administration will continue the fight. As you know, Secretary Clinton has long been personally committed to combating human trafficking, dating back to her time as First Lady and continuing when she was a member of this Committee. With the unanimous passage of the Wilberforce Act last year, Congress has given us a roadmap for those efforts, and new tools to fight this ancient evil.

If confirmed, I look forward to taking America's message of freedom globally and joining my colleagues to shape our counter-trafficking efforts at home. We are called to act by our Constitution, our laws, and international agreements, but even more so by the needs of those who suffer in bondage. In a letter to the judge at the sentencing of her captors, a fifteen year-old survivor from one of my cases expressed it thus:

There were so many clients that came to the house. I was so scared. I would try to hide from them so they wouldn't pick me. The Bosses told me I had to work and to stop behaving in this manner. Also, the Bosses would rape some of the other girls. This scared me. I was afraid they might rape me or hurt me in some other way. I didn't know anyone. I was alone.

Globally, there are countless like her, who feel that they are trapped and alone. If they think of police, it is with fear, not with the promise of rescue. If they think of NGOs, it is as a safe harbor which they rarely know how to reach.

Their path to freedom *must* begin with the idea that they are not alone; that someone – somewhere – is searching for them.

Conceived in liberty, America has a sacred trust to lead that search. I appreciate that you would consider me for that responsibility.

Thank you for your consideration. I welcome your questions.