

Department of Justice



STATEMENT OF

**LAURENCE E. ROTHENBERG
DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL POLICY
DEPARTMENT OF JUSTICE**

BEFORE THE

**UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY**

CONCERNING

**“COMBATING MODERN SLAVERY: REAUTHORIZATION OF ANTI-
TRAFFICKING PROGRAMS”**

PRESENTED

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Good afternoon, Chairman Conyers and Congressman Smith. Thank you for the opportunity to present an overview of efforts to combat human trafficking by the Department of Justice (DOJ or the Department). The fight against trafficking is a priority of the President and the Attorney General. The Department of Justice has undertaken a comprehensive, robust, and aggressive strategy to fight this terrible crime that includes the infiltration of the dark places of the underground economy, the rescue of victims, and the prosecution of perpetrators. In addition, our work includes comprehensive training; design of proactive investigative methodologies; coordination with multi-disciplinary task forces in 42 U.S. cities; development of partnerships across agencies, such as our participation in the Human Smuggling and Trafficking Center and the Senior Policy Operating Group, and with non-governmental organizations; funding of research to better help us understand the nature and scope of the problem of human trafficking; and awarding of grants to victim services organization—all under a concept we call a victim-centered approach. The reward of this effort for the investigators, attorneys, and restorative care providers is the knowledge that their efforts support the foundational values of our nation: the liberty promised by the Thirteenth Amendment to our Constitution.

It is an honor to appear before this Committee to talk about the Department's anti-trafficking efforts as this committee considers H.R. 3887, the "William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007." At the center of our efforts in fighting trafficking is the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA enhanced three aspects of Federal government activity to combat TIP: protection, prosecution, and prevention. The TVPA provided for a range of new protections and assistance for victims of trafficking in persons; it expanded the crimes and enhanced the penalties available to Federal investigators and prosecutors pursuing traffickers; and it expanded the U.S. Government's international activities to prevent victims from being trafficked. Reauthorizing the TVPA is therefore vital to the Department's continued success in fighting human trafficking.

Using the tools provided to the Department under the TVPA and its subsequent reauthorizations, the Department's multi-faceted approach to combating human trafficking has yielded significant results:

(1) Prosecution:

- Between Fiscal Years 2001 and 2006, the Civil Rights Division increased by 600 percent the number of human trafficking cases filed in court, as compared to the same immediately preceding time period;
- The Civil Rights Division has increased by 10 percent the number of human trafficking investigations opened in Fiscal Year 2007 from the preceding year, setting another all time high;
- For the fourth year in a row, the Civil Rights Division has convicted a record high number of human trafficking defendants;
- Since the last reauthorization of the TVPA, the Civil Rights Division has received criminal sentences as high as 50 years imprisonment and restitution awards higher than \$950,000;
- The Child Exploitation and Obscenity Section (CEOS) of the Criminal Division continued its partnership with the FBI and the National Center for Missing and

Exploited Children (NCMEC) under the Innocence Lost National Initiative to fight against the prostitution of children. In Fiscal Year 2007, the Innocence Lost National Initiative led to 125 investigations, 308 arrests, 55 indictments, 106 convictions, and, most importantly, 181 rescued children; and

- The Civil Rights Unit of the FBI, in Fiscal Year 2007, opened 120 trafficking investigations, made 150 arrests, filed 61 complaints and 77 informations/indictments, and had 56 convictions in human trafficking investigations.

(2) Protection:

- The 42 Human Trafficking Task Forces, which are funded by the Bureau of Justice Assistance, have identified 1,513 potential victims of human trafficking since the inception of the program through Fiscal Year 2006;
- The Office for Victims of Crime (OVC) funds victim services agencies that work collaboratively with the Human Trafficking Task Forces. From the inception of the program in 2003 through June 2007, OVC's grantees have provided services to over 1,900 pre-certified human trafficking victims; and
- The Civil Rights Division has specially trained victim/witness staff in every U.S. Attorney's and Federal law enforcement office. Working with our prosecutors and the law enforcement agents, these victim witness staff, alongside the OVC grantees and Department of Health and Human Services grantees, contractors, and coalitions, have provided direct assistance to numerous U.S. citizen and undocumented human trafficking victims. They have helped these exploited citizens and aliens to find safety, jobs, education, and the other tools they need to put their lives back together again.
- The Office for Victims of Crime's grantees have trained over 65,000 practitioners, including law enforcement officials, legal service providers, victim service providers, medical professionals, the faith-based community, and other allied professionals, on human trafficking and the provision of victims services.

(3) Prevention:

- During FY 2007, attorneys in the Civil Rights Division spoke over 130 times at public events or training sessions on the issue of trafficking in persons, educating literally thousands of law enforcement officers and others to identify human trafficking crimes. This included 50 presentations to Federal, state, and local law enforcement officers; 46 presentations to international audiences; and 37 educational presentations;
- The FBI has worked with CEOS and NCMEC to provide training on the issue of prostituted children to 742 law enforcement officers;
- Researchers at Northeastern University in collaboration with the Urban Institute have been awarded a grant by the Department of Justice, Bureau of Justice Statistics, to design and implement a national Human Trafficking Reporting System. This system will provide a secure and sustainable mechanism for collecting state and local data regarding victims and offenders involved in human

trafficking. This data is intended to both help meet statistical reporting requirements specified by Congress in the 2005 reauthorization of the TVPA and provide task forces with a standardized data management system, which is critical in assessing the success of human trafficking prevention and intervention strategies. Additionally, reliable data collection can help agencies improve their understanding of human trafficking and ultimately lead to the identification of offenders and victims with their local communities.

- In Fiscal Year 2007, the National Institute of Justice funded three new research projects on human trafficking to assist in the understanding of the phenomenon, its perpetrators, and its victims: (1) a study of sex trafficking in Tijuana and its impact on the United States; (2) a literature review of trafficking in human beings for both U.S. and non-U.S. populations; and (3) a study of law enforcement and non-governmental organizations in 60 randomly chosen communities that do not have a Human Trafficking Task Force to provide a deeper understanding of where unidentified victims of severe forms of trafficking may occur.
- The National Institute of Justice is preparing a literature review on the topic of commercial sex acts. This literature review will provide information for the Department's report to Congress, required under the 2005 reauthorization of the TVPA, regarding severe forms of trafficking in persons, sex trafficking, and unlawful commercial sex acts in the United States.

Our intensified efforts to combat the evil of human trafficking have required us to correct some confusion in the popular media and elsewhere concerning human trafficking—and it is worth a moment to clarify exactly what is meant by the term “human trafficking.” As you know, human trafficking requires the use of force, fraud, coercion, or exploiting a juveniles’ youth by a trafficker to compel a person into labor, services, or commercial sex acts. Generally speaking, we see two types of cases: Sex trafficking and labor trafficking. Victims of this crime are U.S. Citizens and non-citizens, alike.

Human trafficking is not human smuggling. Human smuggling is the importation of people into the United States via deliberate evasion of immigration laws. Human trafficking, on the other hand, does not require the movement of people or crossing an international border as a necessary element of the offense. In addition, while not all prostitution, pimping, and pandering are human trafficking, prostitutes can be victims of human trafficking. As you know, pimping, pandering, and other prostitution related crimes have traditionally been and continue to be crimes prohibited by state law and these crimes are prosecuted by local District Attorneys across the country. We work with these district attorneys and their local vice officers to help identify human trafficking where it occurs; they very often are part of our human trafficking task forces. But, while many people are trapped in prostitution through substance addiction or due to past trauma or abuse (and there are creative interventions for this population, often led by survivors), the jurisdiction of the Federal Government is limited. The Federal Government cannot prosecute every prostitution case. Rather, the Department of Justice can only prosecute these types of cases where a Federal interest is implicated—such as the Thirteenth Amendment of the United States Constitution, traveling across state lines, or those cases that involve children.

Modern traffickers prey on United States citizens and foreigners alike, exploiting their vulnerabilities to hold them in such forms of service as forced prostitution, domestic service, and migrant agricultural labor. The evil presented by human trafficking can be found wherever there are vulnerable people who can be exploited by others. Thus this modern-day form of slavery does not have any geographic or economic boundaries. Employers in urban centers as well as isolated parts of the economy find it possible to hold their workers in bondage through threats and force. Individuals can be exploited and forced to labor in affluent communities as well as in neighborhoods that have pockets of poverty. In short, this is a crime that can occur anywhere, any time, and against any vulnerable person. The victims we have seen include college students coerced into commercial sex in Atlanta, homeless men forced to work as farm laborers in Florida, and individuals with hearing impairments forced to peddle on the New York City subway system.

The Department of Justice has adopted a victim-centered approach to investigating and prosecuting these crimes. Law enforcement works very closely with non-governmental service providers, who have expertise in providing much needed services to these vulnerable victims. Many of the groups we work with have a track record of success working with battered immigrant women, migrant workers, victims of torture, or prostitutes attempting to escape the streets. The Federal Government has tried to nurture these groups through funding and technical assistance from the Department of Justice's Office for Victims of Crime and the Department of Health and Human Services' Office of Refugee Resettlement Anti-Trafficking in Persons Program. Our victim/witness staff partners with these grantees to ensure that all human trafficking victims, whether U.S. citizens, lawful permanent residents, or undocumented aliens, receive the best care available under the law. Our victim/witness staff partners with these grantees to ensure that all human trafficking victims, whether U.S. citizens or undocumented aliens, receive the best care available under the law. We will continue to work together to ensure the victims' safety and housing, to see that their medical and psychiatric needs are taken care of, and to cooperate in normalizing their immigration status to assist the prosecution and to prevent retaliation if they were to return home. This approach is an unprecedented partnership between government agencies, law enforcement, and the non-profit sector; but the partnership must be established before we go into an enforcement action and before we interview victims so we can respond to the victims' needs in tandem.

Recognizing the need to work together, the Department has guided the development of anti-trafficking policy nationally and has trained thousands of prosecutors, law enforcement agents, and non-governmental organizations—both nationally and internationally—on the implementation of a victim-centered, multi-disciplinary approach to prosecuting traffickers and restoring the rights of their victims. For example, in September, the Department convened the third national anti-trafficking conference in Chicago, which brought together hundreds of task force members from the 42 DOJ-funded Human Trafficking Task Forces, which include Federal, state, and local prosecutors and victim service providers, and the Innocence Lost Initiative Task Forces, which are focused on combating the sexual exploitation of children. The conference resulted in increased coordination among task forces and expanded capabilities to combat human trafficking. We also participated in HHS's Rescue and Restore Coalition launches, and we contribute to the numerous trainings they host for the NGO community.

On the international front, prosecutors in the Department of Justice have provided training or engaged in information exchanges with dozens of other countries about our efforts to combat human trafficking, including Mexico, Canada, Tanzania, Indonesia, Austria, Germany, Singapore, El Salvador, Czech Republic, Moldova, Belize, Venezuela, Colombia, Russia, Georgia, Malaysia, Saudi Arabia, Poland, Sweden, India, Taiwan, and the Netherlands.

Let me say something about victims. Providing restorative care for victims is the right policy in these cases, and the United States leads the world in the generosity of services and immigration relief it provides to the victims of this devastating crime. An added benefit is that without the empowerment that comes from these services, the victims are unable to tell their story and provide evidence of criminal activity. This victim cooperation is essential to a successful prosecution. Without victim cooperation, human traffickers stand a better chance of going free.

As I noted above, the Department strongly supports reauthorizing the Trafficking Victims Protection Act and we commend the Committee for its leadership on this important issue. The Administration would like the opportunity to work with Congress on the specific provisions of H.R. 3887.

The only way that the Government will succeed in its efforts to eradicate human trafficking is by building partnerships at all levels of government. The Department is actively coordinating with state and local partners through our Human Trafficking and Innocence Lost Task Forces. We have also developed important partnerships with our Federal partners. With your support, we can continue to build our human trafficking program, to identify and prosecute human trafficking crimes where they occur, and to restore the victims of this terrible crime.

I look forward to answering questions from the Members of the Committee.