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***THE 2002 TRAFFICKING IN PERSONS REPORT:***  
**LOST OPPORTUNITY FOR PROGRESS**

**“Foreign Government Complicity in Human Trafficking:  
A Review of the State Department’s 2002 Trafficking in Persons Report”**

**House Committee on International Relations**

**Wednesday, June 19, 2002**  
**2172 Rayburn House Office Building**  
**1:00 pm**

Distinguished Co-Chairs and Members of the House Committee on International Relations:

As you well know, the trafficking of persons throughout the world is modern day atrocity that we should take every opportunity to abolish. The Trafficking Victims Protection Act (TVPA) of 2000 criminalized severe forms of trafficking for commercial sex acts and forced labor. These are two distinct crimes with different impact on the victims. Both are serious, and all efforts should be made to combat both forms of trafficking in persons. Today, my comments will focus only on trafficking for commercial sex acts, which for brevity I will refer to as sex trafficking.

The TVPA's definition of a severe form of sex trafficking is "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age." Applying this definition, all children and the majority of women in the sex trade would be considered victims of trafficking.

The trafficking process begins with the demand for victims to be used in prostitution and other commercial sex acts. Countries with legal or widely tolerated prostitution create the demand and are the receiving or destination countries, while countries where traffickers easily recruit victims are the sending countries. The magnitude and flow of women and children is based on a balance between the demand for women and children for prostitution and the ability of traffickers to recruit victims.

Unless compelled by poverty, past trauma, or substance addictions, few women will voluntarily engage in prostitution. Where the demand for prostitution is high, insufficient numbers of local women can be recruited. Therefore, brothel owners and pimps place orders with traffickers for the number of women and children they need.

In destination countries, pimps, organized crime groups, corrupt officials and even governments devise strategies to protect their profits derived from the sale of the bodies of women and children. Globally, the profiteers of sex trafficking and slavery earn hundreds of millions of dollars per year. Their profits depend on maintaining the flow of foreign women to the brothels. It is this flow of victims that the TVPA aimed to stop. The Trafficking in Persons (TIP) Report is a tool to evaluate and rank the countries in the world on their efforts to combat trafficking. It is a powerful tool to hold countries accountable for their lack of action against the trade of women and children that goes on within their borders. Consequently, it should be used wisely and vigorously, with the intent of exposing countries for their lack of action or even complicity in these global crimes.

The 2002 TIP Report has been widely criticized. In fact, I have not heard one word of praise. It has been called "an insult to women and children,"<sup>1</sup> "[a] grave disappointment,"<sup>2</sup> "a whitewash,"<sup>3</sup> and "a deplorable shirking of responsibility."<sup>4</sup> As a tool to combat trafficking it

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<sup>1</sup> Mariam Bell, The Wilberforce Forum, 5 June 2002.

<sup>2</sup> International Justice Mission, 6 June 2002.

<sup>3</sup> The Salvation Army, 10 June 2002.

<sup>4</sup> Southern Baptist Ethics and Religious Liberty Commission, 6 June 2002.

“falls short,”<sup>5</sup> “serves to strengthen the complacency of the worst offending countries,”<sup>6</sup> and fails so miserably that it “undermines the usefulness of the new law.”<sup>7</sup>

I believe this universal severe criticism is the result of two major deficiencies in the Report. First, the efforts to combat trafficking that a country had to make were pathetically low. Ambassador Ely-Raphel has said that prosecutions of traffickers was the factor weighed the heaviest in determining tier placement,<sup>8</sup> yet, there are countries in Tier 2 and even Tier 1, that have imprisoned few, if any, traffickers.<sup>9</sup> Even in countries where there are more convictions, there is little evidence that they have been sufficient to stem the tide of trafficking of thousands of victims.

Second, the TIP Report fails because of a lack of comprehension of demand factors that create trafficking for the sex trade. Ambassador Ely-Raphel has told audiences at briefings that the evaluation team did not consider prostitution or the demand for trafficking victims in their evaluation of countries’ efforts to prevent and combat trafficking.<sup>10</sup>

Trafficking is said to be a modern form of slavery. In the 18<sup>th</sup> and 19<sup>th</sup> century U.S. Southern agriculture economy, slaves were needed to pick cotton (along with many other forms of labor). To not understand the relationship between prostitution and trafficking is like not understanding the relationship between slavery in the old South and the kidnapping of victims in Africa and the transatlantic shipment of them to our shores.

Ambassador Ely-Raphel has said that the connection between legalized prostitution in countries like the Netherlands, Germany and Australia and the trafficking of women and children for the sex trade is only “anecdotal.”<sup>11</sup> I believe that view is either extremely naïve or a gross lack of political will to face-up to what the trafficking of women and children for the sex trade is all about.

I’d like to present the evidence of a connection between prostitution, whether legal or widely tolerated, and sex trafficking.

There are destination spots in every region of the world. To make my point, I’m going to focus on countries in the European Union. First, they are popular destination countries, and second, most of them are ranked in Tier 1, meaning the Trafficking Office judged that they fully complied with the TVPA’s minimum standards.

Table 1 has the percentages of “foreign” women in prostitution in the European Union, meaning they are not citizens of countries of the European Union. The estimated percentages vary by

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<sup>5</sup> Human Rights Watch, 6 June 2002.

<sup>6</sup> International Justice Mission, 6 June 2002.

<sup>7</sup> World Vision, 7 June 2002.

<sup>8</sup> Ambassador Nancy Ely-Raphel, NGO Briefing, 14 June 2002.

<sup>9</sup> See International Justice Mission, “State Department renders Trafficking Act useless by granting passing grades to worst offenders,” June 2002; and Preston Menderhall, “Global human trafficking soars,” *MSNBC*, 6 June 2002.

<sup>10</sup> Ambassador Nancy Ely-Raphel, NGO Briefing, 14 June 2002.

<sup>11</sup> Ambassador Nancy Ely-Raphel, NGO Briefing, 14 June 2002.

country and city, but comparisons between 1997 and 1999 show a consistent increase in the percentage of foreign women in prostitution.

In the last two years, two European countries, both with a severe trafficking problem, have legalized prostitution, pimping, and brothel keeping (although these practices had been tolerated for years).

**Table 1: Estimates of Percent of Foreign Women in Prostitution in Countries of the European Union<sup>12</sup>**

<b>Country</b>	<b>1997</b>	<b>1999</b>
Austria	70%	85%
Belgium	30%	45%
Denmark	30%	20% to 40%
Finland	20%	30%
France	40%	30% to 40%
Germany	60%	53% average -Northern region: 62% -Central region: 52% -Southern region: 32%
Greece	60%	70%
Ireland	10%	15%
Italy	80%	90%
Luxembourg	40%	
Netherlands	60%	68%
Norway		25%
Portugal	15%	
Spain	40%	50%
Sweden	20%	25%
United Kingdom*	25%	Variations according to towns, can be as high as follows: -Glasgow: 99% -Edinburgh: 90% -Leeds: 95% -Middlesborough: 100% -Nottingham: 100% -West Surrey: 95%

\*NOTE CORRECTION/UPDATE TO TABLE AT END OF PAPER

In October 2000, the Netherlands officially legalized prostitution and brothels. The Dutch sex industry is now a \$1 billion business or 5 percent of the Dutch economy, with the industry having increased 25 percent in the last decade.<sup>13</sup>

<sup>12</sup>“Foreign women” will mean non-European Union citizens. Licia Brussa (ed.). 1999. “Health, Migration and Sex Work: Transnational AIDS/STD prevention among migrant prostitutes in Europe.” TAMPEP International Foundation: Amsterdam, pp. 25-26.

<sup>13</sup> Suzanne Daley, “New rights for Dutch prostitutes, but no gain,” *New York Times*, 12 August 2001.

- Women in prostitution in the Netherlands come from 32 different countries. There are few Dutch women in the brothels.<sup>14</sup>
- One year after legalization of prostitution and brothels, traffickers control 50 percent of women in prostitution.<sup>15</sup>
- 70 percent of the trafficked women are from Central and Eastern European countries. Eighty percent of these women have their passports confiscated, are kept in isolation, forced to work long hours for no pay, and are physically and emotionally abused by pimps, traffickers and male buyers.<sup>16</sup>

The situation is similar in Germany. In December 2001, Germany legalized pimping and brothel keeping (prostitution was already legal), and officially stated that prostitution is no longer to be seen as immoral. The estimated turnover from bars, clubs, and brothels connected to prostitution is \$4.5 billion per year.<sup>17</sup> There are an estimated 400,000 women in prostitution in Germany.<sup>18</sup>

- 75 percent of the prostitutes are foreigners.<sup>19</sup>
- 80 percent of the trafficked women in Germany are from Central and Eastern Europe and countries of the former Soviet Union.<sup>20</sup>

Increasing the demand for women in prostitution in countries where a significant portion, and in most cases the majority, of the women are foreign citizens violates the criteria set out in the TVPA that governments should adopt measures to prevent trafficking.

Tolerance and legalization of sex industries also leads to an increase in child prostitution. The Amsterdam-based NGO ChildRight reported that from 1996 to 2001 the number of Dutch children abused and exploited in prostitution increased from 4,000 to 15,000, almost a 400 percent increase.<sup>21</sup> Yet, the Netherlands is placed on Tier 1 in the TIP Report.

The TVPA defines the use of any child under 18 for a commercial sex act as a severe form of trafficking. Yet, there are many countries listed in the TIP Report where there are known to be many more than 100 child victims (the threshold set by the TIP Office to be included in the TIP Report) that are not on Tier 3, as I believe they should be, such as: India, Thailand, Vietnam, Sri Lanka, South Africa, Honduras, and Laos, to name a few.

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<sup>14</sup> International Organization for Migration (IOM), *Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe*, May 1995.

<sup>15</sup> Ralf Bodelier, "Outlawed Women," *De Volkskrant*, October 20, 2001.

<sup>16</sup> International Organization for Migration, *Trafficking and Prostitution*, May 1995.

<sup>17</sup> Rob Broomby, "German prostitutes get new rights," *BBC News*, 20 December, 2001.

<sup>18</sup> Irena Omelaniuk and Ginette Baerten, "Trafficking in women from Central and Eastern Europe - Focus on Germany," in *Migration in Central and Eastern Europe, 1999 Review*. (Vienna: International Organization for Migration and International Center for Migration Policy Development, March 1999).

<sup>19</sup> International Organization for Migration, "Trafficking of Women to the European Union: Characteristic, Trends and Policy Issues," European Conference on Trafficking in Women, June 1996.

<sup>20</sup> International Organization for Migration, Information Campaign.

<sup>21</sup> Carin Tiggeoven, "Child Prostitution in the Netherlands," *Radio Netherlands*, 18 December 2001.

Legalized prostitution makes it difficult to hold traffickers accountable for their activities. According to a Netherlands based NGO, traffickers evade prosecution by claiming the women consented, and prosecutors generally have a hard time establishing the line between voluntary and forced prostitution.<sup>22</sup> According to one report: “Where only forced prostitution is illegal; inability to prove constraint has repeatedly led to international procurers being acquitted by the courts.”<sup>23</sup>

This leads us back to the downfall of the 2002 TIP Report, which profoundly fails to grasp the scope, magnitude, or causal factors of trafficking in women and children, and what efforts are needed to hold countries accountable for their complicity in the trafficking, whether that be through lack of action against traffickers or their actions that lead to an increase in the demand for women and children to fill-up their expanding sex industries. The 2002 TIP Report is so weak it subverts the intent of the Trafficking Victims Protection Act.

The trafficking of women and children for prostitution will decrease when two things happen: 1) There are sufficient arrests and convictions with sentences commensurate with the severity of the crimes to deter pimps, traffickers, organized crime groups and corrupt officials from engaging in the buying and selling of victims; and 2) There is a reduction in the demand for women and children to be used in prostitution. These two crucial factors are missing in the evaluation and ranking of countries in the 2002 TIP Report.

The 2002 TIP Report is a lost opportunity to render assistance to the millions of victims who have no one to speak on their behalf. It is a missed leadership opportunity to advance human rights for women and children around the world. Dr. Laura Lederer, Sr. Deputy Advisor on Trafficking said, “[Trafficking] is inherently evil and we need to abolish it. That’s the approach that we want to take-that this whole commercial sex industry is a human rights abuse.”

We need a TIP Office that is led by people with the insight, vision, and courage to take a stand against the trafficking of women and children; who aren’t afraid to name the brutal violence for what it is, and not flinch at holding the perpetrators accountable.

Members of this committee, I ask you to use the power invested in you to ensure that the Trafficking Victims Protection Act of 2000 is implemented as intended, so that victims of the global sex trade are freed from bondage, and new victims are not recruited to replace them.

## CORRECTION/UPDATE TO PERCENT FOREIGN WOMEN IN PROSTITUTION IN UK

I reproduced the table on the percent of foreign women in prostitution as it appeared in the published report by TAMPEP International Foundation. I have been informed that statistics for UK were incorrect in that publication.<sup>24</sup> The statistics should have read as the reverse, meaning that there were almost no foreign women in prostitution in the cities listed. That is correct. In

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<sup>22</sup> Lily Hyde, “Women’s groups battle sex slavery,” *Kyiv Post*, 23 January 1998.

<sup>23</sup> Michèle Hirsch, “Plan of Action Against Traffic in Women and Forced Prostitution,” Council of Europe, 1996.

<sup>24</sup> Email from Hilary Kinnell, 20 June 2002.

1997 and 1999, the traffickers were not yet bringing significant numbers of women to these cities. Three years later, that is changing.

In early 2002, there were an estimated 5,000 women in the sex industry in the Greater London area; approximately 80 percent of them are from Eastern Europe and the former Soviet Union. According to police investigations, the majority of them are victims of trafficking. Paul Holmes, Clubs and Vice Unit, Metropolitan Police said, "You would be hard pushed to find one English girl working the scene now, and over half the girls are under the age of 18."<sup>25</sup> The encroachment of organized trafficking groups into southern England and then north to Scotland has been rapid. In May 2001, Fleur Strong, Metropolitan Police, told me that in the previous 12-month period Albanian gangs had taken over 70 percent of the brothels in Soho, and were filling them up with trafficked women from the Balkans and Eastern Europe.<sup>26</sup> By the end of 2001, the organized crime groups were moving farther North into Scotland bringing women from the Far East and the Balkans to work in sauna prostitution in Glasgow and Edinburgh.<sup>27</sup>

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<sup>25</sup> Kate Holt, "Frightened and penniless children from Eastern Europe are trapped in prostitution in London," *The Observer*, 3 February 2002.

<sup>26</sup> Interview, Fleur Strong, Metropolitan Police, 1 May 2001.

<sup>27</sup> Dan McDougall, "Women forced into prostitution," *The Scotsman*, 19 October 2001.