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**Alliance Against Trafficking In Persons: National Monitoring and Report  
Mechanism to Address THB: The Role of National Rapporteurs**

Organization for Security and Co-operation in Europe  
Neuer Saal, Hofburg, Vienna  
21 May 2007

Combating Trafficking in Persons, or TIP, is an important priority of President George W. Bush and Attorney General Alberto Gonzales. I am honored to speak to you today about the Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons, which reports on how the government implements this priority.

U.S. efforts to combat TIP are undertaken at many levels of government and by many agencies within the government. Under the United States's federal governmental structure, crime and other social problems can be addressed by local, state, or federal authorities. Most crimes are prosecuted at the state or local level; however, when criminal activity infringes on a right guaranteed by the federal Constitution or violates a federal statute, the crime is generally prosecuted by federal authorities. The U.S. Government has therefore enacted laws that create federal government jurisdiction over trafficking crimes because human trafficking violates the Thirteenth Amendment to the Constitution, which prohibits slavery and involuntary servitude.

Within the federal government, multiple agencies participate in anti-trafficking efforts. The Congressionally created Senior Policy Operating Group, known as the SPOG, is an inter-agency working level group that coordinates policy issues among all the agencies with anti-TIP authority. The chairman of the SPOG is the Ambassador-at-Large in the State Department Office to Monitor and Combat Trafficking in Persons, who coordinates U.S. efforts to combat trafficking abroad. The U.S. Government, however, does not have a single individual who serves as an anti-trafficking director or coordinator with responsibility for oversight of domestic anti-trafficking efforts.

The centerpiece of federal U.S. Government efforts to eliminate trafficking in persons is the Trafficking Victims Protection Act of 2000,<sup>1</sup> known as the TVPA. The reporting requirement that I will talk about today, however, comes from the Trafficking Victims Protection Reauthorization Act of 2003, also known as the TVPRA 2003.<sup>2</sup> The report is required to be submitted in May each year, to six Congressional committees that oversee the Government's anti-trafficking efforts.<sup>3</sup> According to the statute, the report must include information on:

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<sup>1</sup> Signed into law on October 28, 2000.

<sup>2</sup> Signed into law on December 19, 2003.

<sup>3</sup> House of Representatives: the Committees on Ways and Means, International Relations, and the Judiciary. Senate Committees of Finance, Foreign Relations, and the Judiciary

- The number of trafficking victims who receive benefits and services created in the TVPA from certain federal agencies;
- The number of trafficking victims who have applied for, been granted, or been denied certain immigration benefits;
- The number of persons who were charged or convicted of trafficking related crimes<sup>4</sup> and the sentences that they received;
- The amount, recipient, and purpose of federal grants created to carry out the purposes of the TVPA;
- Efforts to train government personnel on human trafficking; and
- The activities undertaken by the SPOG.

The Trafficking Victims Protection Reauthorization Act of 2005, expanded the Attorney General's report by requiring that it include information about the amount, recipient, and purpose of grants designed to combat domestic trafficking and improve the abilities of states and localities to combat TIP.

Congress assigned the responsibility for drafting the Annual Report to the Attorney General, who is the chief law enforcement officer for the Federal Government and the head of the U.S. Department of Justice. This assignment made sense, since the Department of Justice's components play an important role in investigating and prosecuting instances of human trafficking and child exploitation. They also provide grants to victim services organizations; train domestic and international law enforcement; gather statistics and fund research; and train foreign law enforcement, judges and prosecutors on how to combat TIP in their countries.

The Attorney General assigned the task of compiling and writing the Annual Report to the Office of Legal Policy, which is the principal office within the Department to plan, develop, and coordinate the implementation of major policy initiatives of high priority to the Department and to the Administration.

As the Department's anti-TIP coordinating office, the Office of Legal Policy compiles both the Annual Report and the Assessment of U.S. Government Activities to Combat Trafficking in Persons, which is not statutorily required or submitted to Congress. The Assessment is typically released a few months after the Annual Report and analyzes the practical effect of U.S. Government activities to combat trafficking in persons and lists areas for improvement. Both the Annual Report and the Assessment play an important, yet distinct, role in U.S. Government TIP policy. The Annual Report's role is to be responsive to the statutory mandate. Therefore, the information in the Report is presented in a straightforward manner, without significant commentary from the agencies on the overall effectiveness of the U.S. Government's anti-TIP strategy. On the other hand, the Assessment is drafted as a critique of U.S. Government activities to combat trafficking in persons.

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<sup>4</sup> Peonage; enticement for slavery; sale into involuntary servitude; forced labor; trafficking with respect to peonage, slavery, involuntary servitude, and forced labor; sex trafficking of children by fraud, force or coercion; unlawful conduct with respect to documents in furtherance of trafficking; and general provisions.

The task of compiling the information for the Annual Report and drafting the report is a long process that requires significant interagency participation and cooperation. The SPOG plays an important role in securing interagency cooperation.

The data for the Annual Report comes from a wide variety of sources, however, all of the sources are federal governmental agencies or organizations. These agencies and organizations do derive some of their information from statistics gathered by NGO partners, such as the information on victim services. The agencies that provide information for the report are: The Departments of Health and Human Services, Justice, State, Labor, and Homeland Security; the Legal Services Corporation, which is a Congressionally created private, non-profit organization; the multi-agency Human Trafficking and Smuggling Center; and the U.S. Agency for International Development.

Compiling and editing the agency information is one of the challenges in writing the report, since the original information comes from so many sources and authors. The report is divided into several sections, with each section representing one of the categories of information that the U.S. Government is statutorily required to report on. Agency information is compiled into the different sections and I draft the introduction and conclusion paragraphs for the sections that tie the report together. These paragraphs must be reviewed and updated annually to reflect any changes in the law or policy related to the U.S. Government's efforts to combat TIP.

The information must be edited so that the report accurately reflects the separate role that each agency plays in the U.S. Government's anti-TIP effort. For example, the report does not contain consolidated investigation numbers because both the FBI, under the authority of the Department of Justice, and the U.S. Immigration and Customs Enforcement (ICE), under the Department of Homeland Security, investigate trafficking and child sex tourism crimes. Listing each agency's numbers separately allows readers of the report to see a clear picture of that agency's anti-TIP responsibilities. It also prevents double counting or inflated numbers, since more than one agency may participate in an investigation or prosecution.

After the report is compiled and edited, the draft report is reviewed by the agencies, which provide comments on the draft. Because procedures vary between the different agencies that have anti-trafficking responsibilities and there are so many agencies involved in the process, it is important to ensure that common language is used throughout the report that clearly and simply sets forth the information that we are required to report on.

The final draft of the report is cleared by the agencies and transmitted to Congress.

There are several challenges that I face in writing the report in addition to the ones mentioned above.

First, it can be difficult to collect all of the information. In some instances, the information is not collected in a format that lends itself to detailed reporting. For example, the Department of Labor does not specifically track its inspectors' human trafficking investigations as distinct from other types of investigations they pursue or how many individual human trafficking victims utilize their services. Therefore, while we know that Labor encounters victims and provides services to them, we cannot know exactly how many TIP victims they encounter. Consequently, concrete numbers cannot be included in the Annual Report. Another example can be seen in efforts to collect data on sentences. The database in which this data is stored tracks the statute involved in a case, not the underlying facts of each case. As a result, a database search will not identify the sentences in trafficking prosecutions in which the defendants pleaded guilty to non-trafficking offenses. Furthermore, the database only chronicles the top five offenses charged. Therefore, because it is difficult to obtain an accurate picture of trafficking sentences, we just report on the best data available and list the limitations of that data.

A second and related challenge is the issue of poor data in general. Given the hidden nature of the crime of human trafficking, it can be difficult to ascertain the scope of the problem and reflect that scope in the Annual Report. This is especially true with regard to estimates about the number of U.S. citizen human trafficking victims within the United States

A third challenge is understanding the proper scope of the information provided by each agency and making sure that the Annual Report clearly reflects the scope of that information. It can be tempting to take all of the investigation or prosecution numbers listed in the report, add them up, and state that the U.S. Government has investigated or prosecuted X number of cases. As I noted above, however, this would result in double counting and present an inaccurate picture of the U.S. Government's efforts to combat TIP.

Despite these challenges, the act of collecting the information and writing the report has played an important role in the Government's anti-TIP activities.

First, the report informs Congress and the public about the U.S. Government's efforts to eradicate this modern day form of slavery. Congress allocates millions of dollars to the anti-TIP effort, and the report provides transparency on how the Government is using that money to fight trafficking. As a matter of good governance it is important to publish the information. Furthermore, when the report is transmitted to Congress, Congress has the opportunity to reevaluate the information that it requires to be included in the report. At a recent Congressional hearing, in fact, Congress questioned a senior Department of Justice official about expanding the report to include additional information.

Second, through the process of submitting their information to the Department of Justice for the report, agencies are required to review the data that they collect, the quality of that data, and the effectiveness of their collection methods, which allows agencies to reflect on the processes used. Furthermore, collecting the data for the report

allows it to be used for other purposes. For example, the Civil Rights Division of the Department of Justice, which collects information on prosecutions and investigations, frequently updates a fact sheet with the most recent prosecution and investigation statistics.

Third, although the process of compiling and issuing the report can be tedious and time consuming, the benefit of having a single U.S. Government report is well worth the effort. The report is cited frequently in speeches and publications by government officials and agencies and service providers. It is also posted on several government and NGO websites.

Fourth, the report allows agencies to be informed about the anti-trafficking activities of other agencies. Given the large number of agencies that are involved in anti-TIP efforts, it can be difficult for some agencies to keep track of what other are doing. The report, however, must be read and cleared by each agency; therefore, agencies have the opportunity to become informed about the efforts of other agencies and, if applicable, coordinate with that agency on specific projects.

Finally, the report and the Assessment are important public policy tools that provide transparency to the rest of the world about the U.S. Government's efforts to combat trafficking in persons domestically and internationally. The U.S. Government is committed to ending human trafficking, and it is important that we show the steps that we have taken toward accomplishing that goal.

Thank you for allowing me to present today. I look forward to answering your questions.