

Testimony of
M. Sharon Cohn

July 25, 2003

Biographical Sketch

Sharon B. Cohn, Director of Anti-Trafficking Operations
International Justice Mission®

Sharon Cohn serves as Director of Anti-Trafficking Operations for International Justice Mission® (IJM). IJM is an international human rights agency that provides hands-on operational field response to cases of human rights abuse referred by workers in faith-based agencies around the world. Based on these referrals, IJM conducts professional investigations of the abuses and mobilizes intervention on behalf of the victims.

Ms. Cohn received her B.A. with Honors from University of Virginia, and her J.D. from Harvard Law School, cum laude. Following graduation, Ms. Cohn served as a judicial clerk for Hon. Richard Williams, Eastern District of Virginia.

Until October 2001, Ms. Cohn was an associate with Arnold & Porter in Washington, DC, representing private and governmental entities in complex litigations and international trade matters. Ms. Cohn also represented asylum candidates in hearings before the U.S. Immigration and Naturalization Service.

From 1992 to 1994 Ms. Cohn was a Criminal Intelligence Analyst with the U.S. Department of Justice's Federal Witness Protection Program.

Ms. Cohn currently oversees IJM's operations in South Asia, Southeast Asia and West Africa, developing intervention strategies, and interfacing with local and national authorities. She regularly briefs government officials in the U.S. and abroad regarding trafficking issues and has provided interviews for Fox News, BBC World and Voice of America. Recently, her efforts have resulted in the release of children in Cambodia, Thailand, India and Cote d'Ivoire.

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Before
The Subcommittee on Crime, Corrections and Victims' Rights
Committee on the Judiciary
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Mr. Chairman,

My name is Sharon Cohn and I serve as Director of Anti-Trafficking Operations for 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 on Alien Smuggling/Human Trafficking: Sending a Meaningful Message of Deterrence. 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.

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 women and children abducted into sex trafficking and commercial sexual exploitation and that is what I will be focusing my testimony on today. IJM deploys criminal investigators to infiltrate the brothels, use surveillance technology to document where the victims are being held, and then identify secure police contacts who will conduct raids with us to release the victims and arrest the perpetrators. We then coordinate the referral of these victims to appropriate aftercare, and support and monitor the prosecutions.

IJM investigators have spent literally thousands of hours infiltrating the sex trafficking industry and working with government authorities around the world to bring effective rescue to the victims and accountability to the perpetrators. In the process, IJM is gaining, I believe, some precise insights about the nature of the problem and helpful lessons about concrete steps that actually prove effective in fighting sex trafficking. We are grateful, therefore, for the opportunity to share something of what we have learned with this Committee.

Sex Trafficking in the Larger Global Context

While estimates vary, experts agree that between 18,000 and 50,000 women are trafficked into the United States each year for purposes of commercial sexual exploitation. This level of victimization demands a vigorous response by American law enforcement to intervene, to rescue the victims, ensure their proper care, and to successfully prosecute the perpetrators.

But sex trafficking in the United States cannot be adequately understood in a vacuum. It is imperative in the analysis of trafficking into the United States to consider the global networks which supply the American network. Therefore, we must also turn our attention to the counter-trafficking challenges in the countries from which the victims are trafficked. Cases have been documented of women and children being trafficked into the United States from each of the following countries:

Algeria El Salvador Mali
Armenia Estonia Mexico
Azerbaijan Georgia Nauru
Bolivia Guatemala Nicaragua
Brazil Haiti Nigeria
Burma Hungary North Korea
Cambodia India Peru
Cameroon Indonesia Philippines
Canada Italy Puerto Rico
Chile Jamaica Romania
China Japan Russia
Colombia Kiribati South Korea
Costa Rica Laos Thailand
Czech Republic Latvia Ukraine
Dominican Republic Malawi Uzbekistan
Ecuador Malaysia Vietnam

The perpetrator of a crime of human trafficking who is prosecuted in the United States is part of a global chain of illegal transactions that brought the perpetrator and victim into the country. Similar to the drug trafficker caught within the borders of the United States, the sex trafficker is part of a series of transactions which include players in each country of origin, transit, and final destination. In order to effectively disrupt the market, intelligence must be transferred back through this chain of players - from the dealer in the U.S. to his transportation network to his overseas supplier.

In addition, the United States cannot ignore its contribution to the sex trafficking industry. American sex tourists travel worldwide to exploit women and girls. IJM's recent experience in Cambodia demonstrates the multi-national nature of the crime. Vietnamese girls, some as young as 5 years old, are trafficked to Cambodia and exploited by American sex tourists. Of the tens of thousands of women and children in prostitution in Cambodia, the ILO reports that "more than 15 percent of prostitutes were from 9 to 15 years of age, and that 78 percent of these girls were Vietnamese." A survey conducted in December 2001 by World Vision and the Cambodian government indicates that Western pedophiles accounted for about 38 percent of all child sex offenders in Cambodia. Information about the thriving commercial sex trade in Cambodia is easily found by anyone with access to the Internet. Just type the name of a popular Cambodian brothel village like Svay Pak on google.com or hop on one of the many pedophile internet chat rooms and you will easily find maps, guidelines, and ratings of the brothels and their services.

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 U.S. Department of State ranked Cambodia as one of the worst offending trafficking countries. 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 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 16 suspects have been arrested and charged, with cooperative police investigations continuing with IJM to locate and prosecute additional suspects identified in our initial report.

In addition, U.S. Customs is following leads resulting from the raid and we are hopeful that an investigation will result in convictions of identified American sex tourists. I would also like to thank Congress for recently passing the PROTECT Act, paving the way for U.S. Attorneys' Offices to vigorously prosecute Americans who travel abroad and exploit young girls. The Act eliminates the intent requirement and necessitates only that a prosecutor prove an American committed an illicit sexual act abroad. As the little victims in Cambodia told me, many of their clients were Americans. It is imperative that the U.S. crush the demand created by its own citizenry.

A Market Driven Industry

In a number of countries, IJM has been working hand-in-hand with foreign governments, NGOs 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 effective law enforcement at the street level. Our experience demonstrates that sex trafficking is the ugliest but also the most preventable man-made disaster in our world today.

The simple fact of the matter is this: sex trafficking reaches the United States because it is tolerated by local law enforcement in countries around the world.

This truth is most tragically demonstrated through the lives of the little ones we are privileged to assist in rescuing. A friend of mine, Simla, was raised in a village off a main road to a small city in Asia. When she was 14, a woman in her village sold her to a trafficker. Simla was told she would be working in a noodle shop. When the trafficker brought her to the city, she was sold to a brothel and told that she would have to have sex with customers in order to pay off her debt - a debt that she acquired against her will when the brothel keeper paid the trafficker.

For two and a half years, Simla was subjected to sexual assaults, multiple times a day. She was beaten when she cried, beaten when she was sleepy, beaten when she said she wanted to go home. But the worst beating Simla received, the one that made it difficult for her to walk, was the beating she received the day after a police officer complained that Simla didn't smile after he finished raping her. He would come to the brothel regularly to receive his payment for providing protection for the brothel and sometimes he would rape the girls instead of receiving a cash payment. Simla's friends in the brothel, also children, confirmed that other officers regularly visited the brothel and abused the girls.

IJM investigators identified Simla and others in the brothel as minors and brought our evidence to the attention of the local police. On the night of the raid, a member of the police called the brothel to warn her. The brothel was empty of children by the time it was raided. As the children told us later, they were loaded onto the back of a flat bed truck, covered with a blanket and taken across town. Ultimately, senior police officials communicated down the chain of command that the children must be found and released. Simla and her friends were rescued by the authorities several days later.

Stories like Simla's are repeated throughout the world where local law enforcement do the bidding of the traffickers and brothel keepers. Without police protection, the brothel keeper cannot succeed and with it, he cannot fail. Once the police switch sides, the brothel is fatally vulnerable and effective law enforcement mechanisms can provide rescue and arrests. Until they do, it is the girls that are fatally vulnerable.

This is because sex trafficking is a market-driven industry dictated by predictable economic incentives. It is a straightforward, commercial activity that is predicated upon a very basic risk-to-return calculation. The force of law, when properly applied, can add sufficient risk of criminal sanctions to the traffickers' and brothel keepers' cost calculation, so that the market transaction is no longer worth the threat it represents to their property and liberty.

The business of sex trafficking and commercial sexual exploitation 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 crimes 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 local 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.

An Intensely Practical Law Enforcement Issue

Accordingly, we commend this committee in raising this issue as one of a critical law enforcement challenge. Tragically, in the international community, the open sale and brutal rape of millions of women and girls is often perceived as a "soft issue." All too frequently, when addressing the issue of sex trafficking overseas, we see the issue communicated through Women's and Children's Bureaus or Social Services Ministries which though vital, often neglect the deterrent that matters most to traffickers - jail time. 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.

Ultimately the most meaningful message of deterrence is effective law enforcement action. More specifically, the most effective way to disrupt the market for sex trafficking victims is 1) a critical mass of convictions of the perpetrators and 2) accountability for the critical problem of police complicity in countries where trafficking flourishes. From the perspective of the sex traffickers, only two government actions matter: Is the government seriously threatening to actually send me to jail for doing this? And is the government seriously threatening to remove the police protection that I have paid for?

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 cost 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.

The Urgent Need for Cooperative International Relationships

Effective law enforcement also requires expertise and resources. It is critical that the Justice Department share its successes with countries with significant trafficking problems. As with counter-narcotics and counter-terrorism activities, training, resources, collaborative initiatives and anti-corruption efforts are vital to an effective global response to a crime that does not recognize borders.

Recommendations

Accordingly, I have several specific recommendations I would make to the U.S. government in crafting an effective policy to combat trafficking in the larger global context and send a meaningful message of deterrence to the perpetrators of this abuse.

1. The U.S. government should utilize the federal witness protection program to provide resources to adequately protect cooperating victims' family members who continue to live at risk in source countries.

All law enforcement depends upon the support of the community and the cooperation of the victims. But victims cannot cooperate with law enforcement unless they are provided with a safe environment in which they feel empowered to participate in the justice system. In contrast, treating victims as criminal disables law enforcement efforts. The United States has an opportunity to set a standard for the world by the way we treat women and girls who are trafficked into this country. By employing the T visa and utilizing witness protection mechanisms, authorities can create a safe, non-coercive environment for the victims - an environment that vastly enhances the chances of their cooperating in the prosecution of the criminals. Protection for these victims' families abroad is also of primary concern to victims. International cooperation is essential to extend the witness protection program to those family members abroad who are still vulnerable to violent reaction by the hands of the criminal network. Equally critical are programs that fund comprehensive and secure aftercare services for the victims of sex trafficking. Victim protection is a need that can and must be addressed by targeted and generous appropriations.

2. The Attorney General should vigorously utilize the PROTECT Act to prosecute American sex tourists.

Congress recently passed the PROTECT Act which frees the U.S. Attorney Offices to vigorously prosecute sex crimes committed by Americans abroad. We must encourage prosecution and conviction of these criminals and subsequent media coverage to send a deterrent message to

would-be criminals. For the sex tourist and pedophile, the cost of the risk of arrest and conviction must become prohibitively high.

3. Federal law enforcement agencies and the Department of Justice should continue to communicate through joint training initiatives and funding that sex trafficking is a priority issue and a violent crime worthy of the attention of elite law enforcement.

Sex trafficking can be drastically reduced by effective, concerted law enforcement action. The quality and vigor of local law enforcement's response to commercial sexual exploitation is driven by the priorities of senior level political authorities; the quality of resources and training provided to local law enforcement; and the clarity and comprehensiveness of the law. Sex trafficking is not a soft issue, nor a crime of mere vice, but a violent crime that requires multiple felony offenses. It deserves treatment as a priority issue worthy of the attention of elite law enforcement forces.

However, even urgent law enforcement priorities cannot be vigorously and effectively pursued without resources and training initiatives that equip street level enforcement to be effective. Governments need the practical wherewithal and the operational capacity to take decisive law enforcement measures to combat trafficking and to care for the victims. Accordingly, funding is necessary to strengthen law enforcement capacities to investigate, arrest, and 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. The FBI Academy in Bangkok provides a course on "Illegal Migration and Trafficking in Women and Children" as part of its core training. Courses like this should be expanded and offered in other key trafficking locations.

In addition, the U.S. should demonstrate its commitment to combat trafficking by providing resources to local law enforcement in high-trafficking areas. Funding for salaries and supplies in conjunction with training assistance will further U.S. counter-trafficking goals.

4. Because the very nature of sex trafficking cases makes them multi-national, the U.S. government should continue to improve information sharing and collaboration both among U.S. agencies and foreign governments.

Successful prosecutions require information sharing. Federal law enforcement officials should obtain intelligence from trafficking victims in this country about how they were trafficked, from what city and by what means. This intelligence should be regularly forwarded to law enforcement attaches at U.S. embassies and made available to local and national law enforcement authorities of foreign source countries. This will facilitate the interdiction of traffickers from the source country and disrupt the market.

It is our belief and expectation that the majority of sex trafficking can be eliminated where the police have switched sides and serve the public rather than the traffickers and brothel keepers. The U.S. government should continue to provide encouragement, expertise, and resources to that end.

Thank you again, Senator Graham, for calling attention to this important matter. It is an honor to speak before the Committee today.